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THE
PENNSYLVANIA JOURNAL
OF
PRISON DISCIPLINE
AND
PHILANTHROPY.

VOL III.—1847-8.

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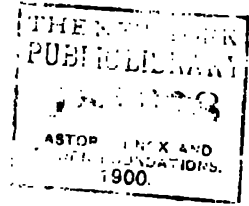
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THE
PENNSYLVANIA JOURNAL
OF
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AND
PHILANTHROPY.

VOL. III.

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No. 1.

ART. I.—*The Philadelphia Society and the Pennsylvania Journal.*

THE friends of the cause of preventive and reformatory justice, must be gratified to meet with the evidence of growing interest in prison discipline associations and their objects, presented by the conductors of the public press. We welcome with heartfelt pleasure, every manifestation of increasing attention to a study which we have long since been taught to value as of grave moment to the statesman, not less than the philanthropist. And we are particularly glad to find that the true interests of society involved in the treatment of the violators of the law, are beginning to be regarded with more anxious and discerning care by those whose influence is potent above every other in a free and intelligent community.

The claims of the Philadelphia Society for Alleviating the Miseries of Public Prisons, upon the sympathies as well as more substantial friendship of our fellow-citizens, are beginning to be recognised and advocated with a force and frequency that speak well for the extension of enlightened views. This state of things is so full of promise, that we are tempted to express our hopes and wishes with the confidence of claimants, who are sure of well-disposed and willing hearers.

A very superficial glance at the history of our Society, will fully satisfy the reader that a vast amount of good has already been accomplished. This history belongs inseparably to that of the penal legislation of our State; for it would be hard to find a single important event of it throughout the last seventy years, in which the members of the Society have not performed an influential part. A tolerably clear idea of the gigantic nature of the task assumed by the founders of the latter, may be formed by any one who will take the trouble to compare the most striking features of the present comparatively wise and humane administration of our penal code, and of the improved chances and resources of the convict, who has worked out the more reasonable penalties now imposed upon him,—with those of the manifold wretchedness and vice of prisons and their inmates, at the period when the first efforts at improvement were instituted here.

But in thus referring,—not, we confess, without a reasonable share of pride,—to the well-known results of a long series of unwearied efforts, on the part of many of the existing as well as earlier members of that body, we seek not to rouse a mere apathetic admiration. We look for more efficient aid than is to be derived from the idle tribute of applause, however sweet the sound to ears accustomed like our own to flippant ridicule and partisan abuse.

In our city of fraternal love, which claims at least an equal reputation with any other for active and prompt furtherance of every proper philanthropic object, we desire to see the cause of mercy in a mission to which she already owes the brightest jewel of her civic crown, still marching in the van, no matter how rapid the advance in other places.

An ambition of this kind has urged the members of the Philadelphia Society into efforts which some years ago would hardly have been thought of any where; and which fairly entitle them to claim, what they have perhaps too often shrunk from seeking, more efficient aid from the community among whom they are at work, and for whom they would maintain a lasting supremacy in their especial cause.

Over and above the limited expenditure required in the transaction of its ordinary business as a deliberative body, assembled only at stated intervals; the occasional publication of important

documents for gratuitous distribution; the purchase of suitable libraries for the use of prisoners; the gradual collection of books of reference by way of nucleus for a library of works on penal subjects; the payment of travelling and other indispensable expenses of voluntary agents, and finally, a much too small amount from time to time afforded as encouragement to well-disposed persons just discharged from prison—they have not felt at liberty to incur any serious pecuniary charge until they resolved upon the establishment of this journal.

The members, for the most part, have been obliged to confine themselves to a more direct co-operation than that which would be needed under a liberal endowment. They have been usefully engaged in discharging the duties of an executive committee—busy in acquiring experience—seeking out defects, for the purpose of removal; and devising and advocating plans for the attainment of the true welfare of the convict, not only in his prison cell, but in his relations to society at large.

They have contributed their individual labours either as writers for the press, as visitors of prisons, or in both capacities at once, and not unfrequently as active agents at the seat of government. They have faithfully exerted their personal influence wherever it could be brought to bear, without expecting a reward either for themselves or their dependants.

This unpretending mode of pursuing the great aim proposed, seems by the mere force of its remarkable results, to have brought about much of the effect that is usually ascribed to general popular agitation, and large pecuniary outlay. Each labourer at the oar has been so intently occupied in watching the progress of an allotted task, that he has been the less disposed to dwell upon the best mode of accumulating the means of operating on a larger scale; in other words, he has had no time to combine effectually with his fellows in the invention of some special plan, by which a wider sphere might eventually be opened to their united enterprise.

On this account, therefore, the Philadelphia Society has been materially outstripped by other bodies, in the exercise of the usual expedients by which the suffrages of the wealthy and influential, as well as other classes of the people, are canvassed in behalf of projects of benevolence.

The Boston Prison Discipline Society, instituted more than

half a century later than our own, has always numbered on its list of members many of the leading men of that section of the country; and has expended in the course of twenty-two years the sum of sixty thousand dollars! Satisfied with this princely appropriation, the officers of that society have chosen until very lately, to entrust the interest of the general reform they were embodied to advance, to the sole care and management of a salaried agent. With what advantage and propriety they did so, it becomes us not to say.

An equally praiseworthy, if not equally profuse ambition has, within the last three years, sprung up among kindred minds in the city of New York. In that great emporium of the Union, a characteristic energy and much more practical spirit have evinced themselves in the establishment of an association that threatens, in the efficiency of its directors, to throw its elder compeers in the shade.

But it is not only in the formation and active operation, upon different plans, of prison discipline societies that the evidence of progress in these matters may be observed. It would be easy to show, by the citation of many distinguished names in this country, and of crowds of others still more widely known abroad, that the movement is not confined to public bodies solely.

The action, not merely of such bodies and of the private individuals above alluded to, but that of the first legislatures and governments of Europe, combine to testify, at once the vast importance of the subject, and the interest it has at length excited among the civilized portions of our race.

The European press, especially of Great Britain, France, and Germany, has been teeming with discussions of the question of prison discipline reform for several years; and ever since the debate on penitentiary systems was started in the Chamber of Deputies at Paris, this question has been brought before the people of those countries in every variety of form.

It has been the subject of investigation before the highest scientific tribunals of France, Germany, Italy, Belgium and Holland. It now, as already stated, occupies the attention of the leading European powers as a question of civil policy, and has finally given rise to the assemblage of a congress of experienced

and noted penal jurists, especially devoted to the consideration of the principles involved in penitentiary administration.

Volume after volume, and pamphlets without number have been sent forth from the British and Continental press, in addition to the reports and official manifestoes prepared at the express commands of the different powers. Besides these individual publications, two ably-conducted periodicals are regularly issued—one, the *Jahrbücher der Gefängnissskunde* of Drs. Julius, Noelner, and Varrentrapp, —and the other, the *Revue Pénitentiaire* of M. Moreau-Christophe.

We give the details of this brief sketch of prison discipline inquiries, at the risk of wearing out the patience of the well-informed, by the repetition of familiar facts. We are so anxious to make the utmost of every opportunity to impress the importance of the subject on the general reader's mind, that we cannot avoid a trespass, now and then, upon the good nature of the constant student of our annals.

At the view of all this fresh agitation of a subject that had, through evil and through good report, for more than threescore and ten years, engaged the affections of the Philadelphia Society, it was natural that they should feel inclined to join in where they had so often led; and that they should emulate a portion of the new-born zeal that now threatened to overflow where formerly little better than stagnation had prevailed. They felt called upon to participate in an activity commensurate with the temper of the times. And it was their hope in some degree to draw this swelling current of philanthropy into what their time-honoured experience had led them to regard as the most useful channel. Beyond the occasional publication of an annual report, the printing of statistics, or the republication of the testimony of some foreign writer, the Society had done nothing with the press, of late years, in its corporate capacity, except in the way of providing for the circulation, under the stamp of its authority, of a few able and comprehensive essays on penal systems and collateral topics, prepared by different members.

Notwithstanding the accumulation of valuable materials in their hands, these gentlemen had never undertaken to maintain a regular medium of *printed* communication between themselves and those who were too far removed to take a part in the usual proceedings

of their body. The want of such a medium eventually led to the establishment of the Philadelphia Journal of Prison Discipline and Philanthropy.

The objects of this new quarterly are sufficiently explained in the prospectus on its cover, if not denoted by the title. But we must refer to the two volumes just completed, in order to attest the importance of creating and preserving such an instrument of usefulness in the dissemination of sound views, as well as general information, in relation to a wide range of interesting topics.

The nature of these topics, while it precludes the extensive circulation of any periodical exclusively devoted to them, at the same time renders it advisable not to depend for the distribution of the numbers upon the irregular demands of a voluntary subscription. The Society has accordingly resolved to continue the publication on a reduced scale, and at the smallest possible expense; the latter to be drawn from its own funds, so as to substitute, instead of a patronage circulation, a gratuitous distribution among the members and those who are supposed, from their position and pursuits, to be interested in the subject.

The reasons for this change are detailed at length in a report of the Publication Committee, which is now before us, and from which we quote the following:—

“ We are well satisfied that the establishment of the Journal was a wise and seasonable measure. How far it may have been the means of awakening public attention to the peculiar merits of our system in quarters where before it was mentioned only to be misrepresented and vilified—How far it may have served to confirm and extend the confidence of nominal friends, or to encourage efforts and associations for the prisoner's welfare—What may have been its influence in diffusing correct information, counteracting false impressions or correcting erroneous opinion; what advantages, in short, may hereafter result from a reference to two large volumes on the subject of Prison Discipline, containing so great a body of useful and well-digested information, it is not for us to determine. But we hazard nothing in saying that at no previous period have the two systems been more fully presented to the public mind, and their respective merits vindicated with greater zeal and intelligence; nor do we think it arrogant in us to claim for our Journal a considerable share at least in producing this auspicious change.”

The Committee “ have not alluded to this topic for the purpose

of congratulation." Their intention was to show the importance of maintaining some such medium of communication with the public, on the most independent basis. In order to do this without impairing the resources of the Society, they propose the publication of the Journal in its present less expensive form;—at the same time that they recommend its circulation at the cost of the Society.

The Committee further suggest, in this connexion, the propriety of increasing the annual subscription of the members to two dollars instead of one as heretofore; "in order that the usefulness of the Society in other respects, might not be diminished" by the additional draft upon its funds. The report closes with the inquiry, "Whether, if proper efforts were used, there might not be obtained from among our benevolent citizens, a considerable increase of suitable members, whose connexion with us would not only add influence to the Society, but perhaps increase the number of efficient labourers in this work of humanity."

The Society has acted on the suggestions contained in this report, by directing:—1st, "that the Journal be published quarterly as heretofore, but of reduced size, not less than forty-eight pages."

2d. "That the annual contribution be increased to two dollars per annum."

3d. "That each member of the Society shall be entitled to a copy without charge; but to those who are not members the price shall be one dollar per annum."

4th. "That a committee of five be appointed to endeavour to induce to become members of the Society, those who are only subscribers to the Journal, (and also to bring forward the names of other respectable and influential citizens) who may be suitable and willing to be associated with us in the cause in which we are engaged."

5th. "That it be enjoined upon each member of the Society to endeavour to increase the number of our members from among those of their acquaintance, who from their position in the community, and from their benevolence and qualifications would be likely to aid us in this work of humanity; and in extending the influence and usefulness of the Society, in further '*alleviating the miseries of public prisons.*'"

Few persons, attentive to the better dictates of the heart, can refuse, at least a respectful consideration, to the appeal thus called forth by a weightier sense of obligation on the part of those who have already done much in the discharge of the high trust they have thought it a public duty to assume. The objects of the Society are so disinterested and unobjectionable, and their importance, under every aspect, so far beyond all doubt and cavil, that we confidently look for practical and positive encouragement in the result of these individual solicitations—encouragement more cheering in its character than the vain apology afforded by mere inactive and empty commendation. For the honour of our native town, we desire anxiously to see her citizens of every calling, *who may be worthy of the trust, and likely to do it credit*, earning their portion of the triumph of beneficence, by a due participation in the light toils and easy sacrifices to which they are thus invited.

We well know that the spirit of humanity is widely spread abroad—it has nobly answered to the call of famine-stricken multitudes in foreign lands, and has not forgotten the appeals of misery at home. Why then forget the claims of the suffering prisoner? We do not ask, as some careless readers might suppose, that the outlaw, undergoing the just penalty of his misdeeds, should bask in the sunshine of a miscalled philanthropy that would afford a premium for crime or impunity to the transgressor. We acknowledge no such false sympathy for the undeserving at the expense of the worthy. We wish only, as a matter of policy as well as justice, to remember that the occupant of a prison cell has rights and feelings which no course of his can utterly destroy—that if these rights and feelings are disregarded, and their possessor maltreated and neglected, (peculiarly helpless and exposed as he must be while at the mercy of his official guardians) he is more than ever likely, when again thrown out upon the world, to become mischievous and dangerous in the indulgence of propensities that might under proper regulation have been entirely subdued. We need scarcely repeat that, even in behalf of this once outcast remnant of our race, a better feeling has sprung up in many places; and, under the impulse of well-directed agitation, is likely to advance with continually augmenting speed and power. In rejoicing over this development of discriminating zeal elsewhere, it behoves us to watch over our own

short-comings. We cannot afford to be outstripped in this contest of good deeds. Philadelphia has presented a bright example as the pioneer in this still overgrown and tangled wilderness. Let not the sister cities,—her eager competitors in all that concerns the flourishing existence of an enlightened commonwealth,—bear off the palm that has so long rested on her brow, in a career that has already secured to her a lasting fame—that of the first and strongest advocate of prison discipline reform.

ART. II.—*The Office of Prison Chaplain, or Moral Instructor.*

THERE is probably no difference of opinion, among the friends of the institution to whose interests this Journal is devoted, as to the necessity and high importance of moral and religious instruction, as an element of discipline and reform in prisons. What character it shall bear—the proper mode of introducing it—the place it shall occupy—the results that may be reasonably expected from it—and the manner of determining those results—are topics on which much diversity of sentiment will naturally prevail. A single article, (in our abridged form of publication, too,) affords very narrow limits for the discussion of such a subject; and we shall therefore merely glance at the several points we have just enumerated; and this, not so much for the purpose of expressing any opinion, as to show the direction which philanthropic inquiries on this subject, by intelligent men, will be likely to take.

Under the English and other European dynasties, with which an ecclesiastical establishment is connected, there is not much difficulty in making stated provision for the religious teaching of prisoners, such as it is. It falls in readily with the popular notion of propriety and fitness, that a government of which an established religion is a constituent part, and in which ecclesiastics hold the power jointly with politicians, should see to the due appointment of ministers of religion in all suitable places. The office of chaplain in an English prison is made of much importance, and the incumbent is regarded with much deference. Very commonly the offices of chaplain and school-master are combined; and the report of this functionary, upon the literary, moral, and religious condition of a prison, then becomes an important and

sometimes most voluminous and elaborate portion of the annual report to the government. Such a combination may be a very wise one, since, perhaps, there are few forms in which moral and religious truth can be more easily and inoffensively inculcated, (especially on adult minds,) than in conjunction with secular teaching, and simultaneously with the development of faculties or capacities of which even convicts feel the elevating power. The arguments which are urged in behalf of connecting the religious principle with the processes of early education, are applicable, to some extent, to adult teaching generally, and certainly strengthen the consideration to which we have just adverted in respect to prison-teaching.

It must gratify those who have no objections to the employment of a paid ministry, to know that in most of the States where a settled system of penal discipline exists, there has been a willingness on the part of the legislature to authorize the appointment and compensation of a religious teacher; and such friends of the prisoner must feel a strong desire that the beneficial results of the appointment should be so obvious as to justify its continuance.

It would be quite impossible, we apprehend, to find any other body of men on the face of the earth, in one company and of equal number, who would present so great a diversity of capacity, temper, attainments, habits, and susceptibilities, as the inmates of a penitentiary. The ripe scholar is side by side with the man who does not know the alphabet—the shrewd and active mind is next neighbour to one who is scarcely a degree in advance of idiocy. A cold, phlegmatic temper is in close connexion with the sanguine and ardent. The credulous and the sceptical—the proud-spirited and the spirit-broken—the perverse and the tractable—the timid and the bold—these, and a multitude of similar contrarieties of disposition and character, are found associated in every considerable community of prisoners. Who does not see that to become a minister of religion or a teacher of moral truth to such a motley group, is to assume a very difficult, as well as a very responsible position?

In our country there are some peculiar embarrassments in supplying this department of a prison police. Any approach to the lodgment of civil and religious authority in the same hands, is regarded with instant jealousy. This peculiar sensitiveness to any infringement of the rights of conscience, is, in many respects,

wholesome, and indeed necessary; for nothing is more contrary to the genius of our political system than to give one person—no matter what may be his official rank or influence—any authority over another, *as a religious teacher*, contrary to his own free will and choice. As a convict is, for the time being, deprived of his personal liberty, and subjected to whatever discipline the law prescribes, we should probably seldom hear from him any remonstrance or complaint that the religious teaching of the prison is not such as he would prefer; and yet it would be an unwise use, if not an abuse of power, to force unwelcome instruction upon him, or to withhold from him such ministrations of religion as he professes to desire.*

Assuming that the inculcation of moral and religious truth belongs to every good system of prison discipline, we suppose it will always be desirable that where one individual is, in some form, entrusted with this department, he should be a *resident officer*. If one or more could be found, furnished with all needful qualifications, and both able and disposed to discharge the duty gratuitously, there would be advantages which are not likely to be possessed by a stipendiary. But this can hardly be hoped for; and hence the employment of such a functionary, in the ordinary way, is made to involve expense, and calls, of course, for a public appropriation. Thus the office and its incumbents become at once subjects of public scrutiny, and are expected to show their claim to support and confidence. What is requisite, then, to the usefulness of a prison chaplain or moral instructor?

(1.) We think it is of the first consequence that such an officer should be selected chiefly with a view to his *personal influence*, as it is on this, rather than upon more public or merely professional services, that we should rely for the desirable results. The power to win confidence is as invaluable as it is rare;—and it cannot fail to be severely tested in a daily intercourse with convicts. A man may talk very fluently, and very instructively perhaps, on moral and religious subjects; and a convict may be disposed, or may feel it to be his duty or his interest to listen

* We believe such provision is made in most of the prisons in England, and in all the prisons in our own country, that each prisoner is allowed to receive the visitations of a minister of religion of his own denomination, if he express such a preference.

patiently to his discourses and exhortations. But it is a very different thing from all this, to unlock his heart, and commune familiarly with the inner man. Most of the persons with whom a prison chaplain has to do, have learned from necessity, if not from inspiration, that there is a time to keep silence as well as a time to talk. It is not an inconsiderable part of the professional training of such men to be swift to hear and slow to speak. No precepts come to them with more force than these—"Keep a close mouth. Trust no man." The peculiar position which criminals sustain towards the honest and upright portion of society makes their interests and those of their Christian adviser seem to be adverse. Hence the chaplain (being naturally regarded as the representative or agent of the unimprisoned, unsuspected and reputable community) stands somewhat in the light of the opposite party in a suit at law—a relation plainly unfriendly to mutual confidence and unreserve. Time, patience, ingenuity and punctilious exemplariness, combined with singular transparency of principles and motives, are needful to overcome feelings so inauspicious to the exertion of any good influence over the unhappy convict.

We have said that in the selection of a prison chaplain or religious counsellor, those qualifications which will give him the highest *personal influence*, are of primary importance. Of these nothing can take precedence of sincere, earnest piety. We have no doubt that the human mind is so constituted that the exhibition of a consistent, Christian example shall always have great power over it. Indeed we have well-authenticated instances in which the most appalling criminal designs have been abandoned, simply from calling to mind the purity and moral worth of the doomed man; and none can ever know the power or extent of the restraints thus imposed upon the malignant passions of the lawless, to defeat or to prevent their fiendish purposes.* If it is the prison-chaplain's

* An interesting and well-authenticated instance of this kind occurred a few years since in New Jersey. Two men had planned the robbery of a country bank, and their design was to waylay the cashier on his return home at night, murder him, take the bank-keys, and perpetrate the robbery at leisure. They posted themselves for the foul deed; but when the intended victim approached, the one who was to strike the blow relented. Their purpose was at once abandoned. On their way home they overtook a countryman going to market, and robbed him of some money

happiness to possess such a character, the influence of it will be increased, many fold, when associated, as it then will be, with the warm sympathies, the respectful attentions and the faithful admonitions of an instructor and friend.

(2.) It is of great importance that the religious officer of a prison should be somewhat versed in the ways of men. We do not mean by this that he should understand, as a veteran police officer is supposed to understand, the arts of "cunning craftiness" and the Protean forms of knavery in which a majority of convicts have been schooled. Virtuous men would scarcely be willing, for any consideration, to have their minds polluted with a store of such knowledge. But there is a knowledge of the tendencies of the human heart, supplied by personal reflection and observation as well as by the volume of inspiration—a knowledge of the erroneous maxims and principles entertained by thoughtless and corrupt men—a knowledge of the false position which a convict often takes and obstinately maintains till he almost extinguishes his own consciousness that it is false—a knowledge of the motives which influence human conduct, and which are revealed, in their actual prevalence, only to the close and practical observer—a knowledge of the passions and prejudices which contribute so largely to the peculiarities of each individual's character and opinions—a knowledge of the early neglects and mistakes in the training of the man, by which his first deviations from the path of uprightness were invited and encouraged (we might almost say constrained) rather than checked or forbidden, and a perfect knowledge of that remedial and reformatory system, prescribed by infinite wisdom, and on which he is mainly to rely, for the success of his official labours. This is that kind of knowledge a prison chaplain needs. How he is to use it, and what are the disadvantages that must result from the want of it, are too obvious to need specification.

(3.) It is very desirable that a prison chaplain should be free

and articles of provision, of which they were afterwards convicted and sent to the Penitentiary. While suffering his punishment, one of them expressed to a lawyer (who went to see him on business) his sincere gratitude that his murderous intent was defeated; and he stated that his relenting was occasioned entirely by a recollection of kind Christian offices rendered by the cashier to his aged mother many years before. He said he could not lift his hand against so good a man as he believed him to be.

from all singularities. We refer to such habits or traits as would be called singular in any well-bred man, but which are brought more distinctively to view in one who is both the expounder and the exemplar of the highest principles of propriety. They may be very harmless, and, to the world at large, quite too trifling to be censured, but are likely to be serious embarrassments and hindrances to the success of such an officer. A demure countenance, a drawing tone of voice, an appearance of severe austerity, an affectation of tenderness or any deep feeling, or an overweening and arrogant air, are among the things to which we refer. Some men fall into these peculiarities insensibly, and are oftentimes wholly unconscious of them; and, not unfrequently perhaps, those who are very far from any affectation of sanctity or religious feeling, greatly impair their influence by not studiously avoiding the appearance of it.

(4.) A prison chaplain should be addicted to no personal habits which he might not properly commend to the convicts for their imitation. No matter whether the indulgence of it is allowed to them or not, their moral teacher and pattern should keep far in advance of them in respect to all acts of self-denial and habits of propriety which he hopes they may be persuaded to adopt. The use of tobacco, (whether in presence of the prisoners or not,) uncleanness of person and slovenliness of dress, awkward and ungentlemanly positions, a rude or uncouth address and manner, low jests, or trifling familiarity, all tend, in a greater or less degree, to impair the influence of such an officer, and to prevent much of the good which he might otherwise be the instrument of accomplishing.

(5.) A prison chaplain should possess in a good degree the faculty of discrimination. This is needful, not only that he may discern the varieties of character by which he is surrounded, so that he may rightly adapt his processes of moral influence, and modify them from time to time, as occasion shall require; but especially, that he may select those on whom his labour is likely to be expended to the best advantage. If a routine of visitation is pursued, without due reference to the character and circumstances of the several convicts, it must needs be viewed like distributing the same kind and quantity of food or medicine to a thousand patients in the wards of an hospital; serving alike the dying man and the convalescent, the paralytic and the inebriate.

There are in most of our prisons, those on whom the best moral influences might be exerted with but little hope of success. It is not for us to say of any individual case, that further means shall be withheld. Instances, we well know, have occurred, (enough at least to prevent despair, though not to encourage presumption,) of an apparently radical reformation in the most abandoned. But in the distribution of a given amount of religious, moral, or other educational influence, we are to exercise a sound discretion; and to determine, in view of all the circumstances, which individual or class is most favourably disposed towards, or most likely to be profited by, the largest share. In any such classification, the young would take precedence of the old; the novice in crime of the hardened offender—the convict on his first commitment, of one on his second or third—and the quick of the dull. Whether the educated shall have precedence of the ignorant, or the thoughtful of the careless, will depend upon questions not easy to answer, even for those who have the gift of discrimination. We do not mean that any such principle of classification as we have in mind, should be arbitrarily adopted, or permanently maintained, nor that any exact scale can be formed according to which the ministrations of the chaplain shall be apportioned; and therefore there is the more need that he should have a sound judgment of his own, in order that he may discern between the cases as they occur, and discreetly vary his methods to meet exigencies and anomalies.

(6.) It seems to us that the power of a prison chaplain or moral instructor, depends much more on his private intercourse and personal conversation than on his preaching. Those who bear the highest respect for this divinely-appointed mode of instruction, would not probably gainsay this remark. While an attendance upon public religious worship is, to some convicts, a relief from the *tedium* of an indolent day, to others it is probably a very unwelcome task. They feel as if they were dragged up to the posts of wisdom's doors, and compelled to hear her counsels. Upon the ears of such, the most sacred truths fall with but little prospect of good. The preaching must, of course, be ill-adapted to many, and well-adapted to comparatively few. We cannot suppose that any collection of people at large, would combine anything like so wide a diversity of character and capacity, moral and intellectual, as an ordinary assembly of convicts in a

prison chapel. No observing person could have witnessed the religious services of the sabbath in a congregate prison, without being impressed with the stolidity, the shame, the sense of degradation, the malignity, the hypocrisy, the contempt, the self-reproach, the stubbornness, the disappointment, and the discontent, which are stamped, in bold relief, on the various countenances of the majority. We do not say that he will not see in some, also, the ingenuous expression of penitence, and of a heartfelt return to virtuous and peaceful ways; and, here and there, perhaps, the indications of a thoughtful and sorrowing spirit; but as a mass of human beings, assembled for public worship and for religious instruction, their personal position, and their relations to each other, and to the world around them, are altogether unfavourable to the desired results of the exercise.

Much stress has been laid by the opponents of the separate discipline, on the fact that it does not allow the assembling of the prisoners in a common apartment for religious services. It is not to be forgotten, however, that this is not a defect in the *system*. It is that the administrators of the system, think it best to carry its principle to that extent; for, whenever such a general congregation of the convicts has been deemed desirable, the principle of separation has been no bar to it. We well know, that in the Pentonville prison, near London, (the "model" of the separate system,) the prisoners attend public worship in a common apartment. Each convict occupies a stall by himself, and can neither see or be seen by his fellows, without instant detection. We readily concede that some advantages may accompany an attendance upon public worship in the usual form. It may revive early habits, or awaken youthful associations in those whose childhood was favourably impressed by such services, and it may possibly form a habit which will be continued and strengthened after the expiration of the convict's sentence. We cannot concede, however, that the advantage, in respect to sympathy or susceptibility of impressions, or submission to good influences, is at all on the side of the anti-separatists. In all these respects we should prefer our system, *as a channel for the religious instruction of convicts*, even if the congregation of the prisoners were equally within our choice.

We take occasion to remark, in this connexion, that the qualifications of the chaplain or moral instructor, in a separate prison,

must be, in some respects, peculiar. In a silent or congregate prison, the chief moral power is to be exerted through the public services of the Lord's day. The convicts being engaged at the work-shops, or at their meals, during most of the hours of daylight, the opportunities for moral and religious teaching must be limited chiefly to the sabbath. The reverse of all this is true in a separate prison. The chaplain or religious friend may enter the convict's apartment at any and at all times, (as if he were a neighbour, alone, in his workshop,) and, with a freedom and familiarity highly favourable to his errand, he can suit the character, length, and manner of his discourse, to the various tempers and frames of mind which he meets. Versatility of conversational powers, and the faculty of applying truth, are therefore far more important than oratorical grace or pulpit powers. And it is to the advantage of the separate system, that the former qualities, (which its chaplains require,) are much less rare than the latter. We need not be misunderstood. We know ministers of the Gospel, the influence of whose public discourses could not fail to be effective and healthful on the minds of a mixed congregation even of convicts; so clear, so impressive, so fervent, so faithful are they. But our convicts cannot be always favoured with their services; and it will be borne in mind, that our remarks apply, exclusively, to the case of convicts, and derive, whatever force they have, from the peculiar position, circumstances, and character of such a community. If our views are well sustained, it is obvious that the selection of prison chaplains or moral instructors is not always determined on proper principles.

(7.) The duties of a prison chaplain, though simple and plain, demand his undivided attention. The grade of teaching required in prisons is quite elementary, and it is in an imperfect knowledge of these, and the want of tact and facility in illustrating and enforcing them, that the great deficiency of this class of teachers lies. Dogmatic theology has no place in their field of labour. The plainest and simplest principles of truth need to be set forth with perspicuity, and reiterated with great earnestness and affection. This is not an easy task. To oppose and dissipate errors, and correct the perverseness of a corrupt nature, truth is the grand instrument. This we have, in its highest and

most authoritative revealed form, in the Holy Scriptures. It is not enough, however, to supply each cell with a copy of this volume, in the prisoner's vernacular tongue. For besides the unwillingness which evil-doers always have to come to the light that they may be reprov'd, and their deeds be made manifest, there is in many minds a deep-seated prejudice against the Bible, arising sometimes from an entire ignorance of its contents ; sometimes from a cherished contempt of its claims, and sometimes from mere prejudice, or a strange misconception of its spirit and teachings. It is not easy to remove these obstacles, and yet, until they are removed, the influences on which the friends of the unhappy convict must chiefly rely for his permanent reformation must operate very feebly. The necessary illustrations and enforcements of truth must be adapted not only to the general character of the learners, but to each individual ; and the effect of such inculcations must be watched with the same vigilance and anxiety that skilful physicians manifest in watching the progress of a disease and its remedies. These are rare qualifications. We have not the remotest sympathy with some modern theories on this subject, which make crime the result of a malformation or an undue developement of the physical organs ; which would treat rogues as lunatics ; and turn our penitentiaries into hospitals ; and our prisoners into patients. We maintain the old-fashioned notion, that sin is a voluntary transgression of a good law. That human laws are requisite for the preservation of the peace and safety of society. That obedience to them is justly required of all who enjoy their protection, and that a wilful violation of them should be so punished as to correct the transgressor, and put others in fear of incurring the like penalty. But when the offender is once committed to the officers of the law, that he may abide the infliction of a just punishment, we would provide the most careful and skilful moral regimen for him ; we would approach him with the best influences befitting his condition that we could command ; and in a form most likely to win his confidence, and disarm him of prejudice and misconception.* Whatever measure

* It is proper to say, that this article was in type before the existence of *Mr. Sumner's* letter to the Common Council of the city of Boston was known to the author ; and the singular confirmation of the views expressed in this article, which that letter furnishes, only proves that the principles of truth and humanity, are equally recognized by all who honestly deserve to be governed by them.

of moral sensibility may remain in him, we would foster with miserly care; and whatever else the unhappy man might say of his keepers, he should be forced to acknowledge, that while the penalty is faithfully executed, every thing is done by the ministers of the law to mingle mercy with judgment, and thus to secure one of the great ends of penal suffering under human laws, viz. the restoration of the offender to the privileges and enjoyments of an upright and virtuous citizen.

We do not think we have unduly magnified the office of a prison chaplain; and if, in the foregoing remarks we have prescribed a standard of qualifications which it will be difficult to reach, we hope it will at least call for more care and discrimination, than have sometimes been manifested in the selection of incumbents. We apprehend that many of the objections, (we do not say all,) which have been and are still urged, in some of the States, to the appointment of such an officer, originate in a misconception of his duties, or an indefinite idea of unfitness in those who are selected to discharge them. We doubt whether there is a legislature in the United States, that would refuse to authorize the employment of such a functionary, and to allow him a suitable compensation, if there were a proper understanding of his relation to the prisoners, and a proper assurance that the individual selected should be suitably qualified for the post.

(8.) We have a single remark to make on the subject of the reports of chaplains or moral instructors of prisoners. We think they should be more full and minute in disclosing the methods of instruction which they employ; the number of visits paid to each convict (not a mere call, or an exchange of common salutations, but a *bona fide* visit, sitting down in good earnest and drawing out a mutual expression of sentiments and opinions); the chief obstacles they encounter to the success of well-timed and faithful efforts; the prevailing tone of moral feeling and disposition in the prisoners; and the features of the system, or of its administration, which seem to be unfriendly to the highest and best interests of the subjects confined. These are sufficient to indicate a class of topics which we think particularly within the province of a moral instructor, and in respect to which, he of all others, should be best informed. It is inexpedient, we think, if not unsafe, to say much in such reports, of positive re-

sults. The chaplain's hopes may be much excited—there may be great confidence—nay, entire assurance of improvement or of reformation; and all this should serve to encourage and stimulate to farther efforts; but we think it would be better and safer to spread before the public eye the kind and degree of labour actually bestowed; the *facts* of the year, and the principles which they confirm and settle as of universal application. These will be received with favour and confidence, and the results of a faithful, intelligent, warm-hearted chaplaincy, will not be long concealed.

We have before us at this moment, a report of the moral instructor in one of our Western Penitentiaries, which though somewhat longer than usual, is an apt illustration of the intangibility or vagueness to which we have reference. There is a general impression left on the reader's mind, that great good has been accomplished, while there is not a *single fact*, from beginning to end, to warrant such an impression. The officer says, emphatically, that he has "no doubt that some of the men have been changed in heart by the renovating power of the Holy Spirit, and we are looking and praying to God for a more powerful manifestation of the riches of his divine grace." And elsewhere he speaks of the "good hope we have that some of them," (that is of those who died during the year,) "made a happy change. This hope is founded on their sincere repentance for all their past offences." If these expressions are to be taken as an index of the author's usual method of thought and expression on such subjects, we should not infer that he could do no good, though we should fear he might do much evil. He may have the humbleness of the dove, but he certainly lacks the wisdom of the serpent.

The sum of what we have to say is, that we regard the judicious and faithful inculcation of moral and religious truth as an essential element of prison reform; and while we duly appreciate the importance and authority of the gospel ministry for this purpose, we are persuaded that private personal conversation, and simple, appropriate, elementary teaching of each individual, *in his cell*, is attended with such peculiar advantages, that in the selection of chaplains or moral instructors, or the admission of religious teachers, (particularly for a separate prison,) special, if not primary regard should be had to their qualifications in these respects.

ART. III.—*Changes of the Pennsylvanian System.**

(Concluded.)

HAVING in former articles briefly stated some of the principal reasons against the congregation of convicts before their discharge from prison, we considered in our last the mixed plan of Professor Tellkamp, which from its peculiar connexion with the state of opinion in New York, appeared to require a special notice. As it assumed the practicability of moral classification, it stood in clear relationship with the experiment of the matron of the female department at Sing Sing; and the alleged success of this naturally became important with reference to the impression which Mr. T.'s plan was to produce. Enough, we believe, was said to satisfy the reader that no material change had been made either in the terms or in the condition of the general controversy respecting prison discipline. Before concluding our series under the present head, it appears proper to advert to some proposed modifications which have been recommended abroad, and the discussion of which belongs rather to the friends than to the opponents of the separate discipline.

It must be obvious that after the adoption of the main distinctive feature of our penitentiary plan, viz. the rule of separation, there may arise many questions touching the construction of prisons, and the details of administration. In relation to these a

* It may be proper to state here, the reasons which led to the writer's choice of the above title.

Changes may have been made—may now be making—may be made hereafter. The object of this series of articles, was to *deny* some changes of system which had been alleged—to *approve* changes which had been made or planned for the better administration of our discipline—and to *condemn* certain changes which had been recommended by innovators, or by old adversaries. It is possible that some persons reading nothing beside the title, might rashly infer that the *changes* referred to belong to only one of the three classes above specified; and, moreover, that they affect the principle of separation. We have not considered this possibility a reason for altering the title.

want of agreement may exist not only without prejudice to the fundamental principle, but with positive advantages, such as result from a variety of experiments undertaken to establish the best practical form. The late congress at Frankfort, after recording a decided preference of the separate to any associate mode of imprisonment, published for discussion at the next meeting of the members, a large number of topics representing the most important details of administration. In England and France those topics had already received the careful attention of qualified persons. It will be understood, therefore, that when there occurs a difference of opinion respecting the construction or administration of a separate prison, the forces of our friends are not the less effectual against the congregate plan. In fact, their zealous application to the developement of our discipline shows in the least doubtful manner, devotion to its cause. We have before alluded to this view of the case; and it has seemed to us of sufficient value to justify its being recalled in the present connexion.

Passing over such minor details of improvement as relate only to the hygienic precautions contemplated or employed in the Penitentiaries of Pennsylvania, we shall advert to three principal subjects respecting which changes have been adopted or proposed.

I. *Instruction.*—In order to economize time and labour, it has been recommended by some friends of separation, that convicts who are to be taught reading and writing, shall be collected at stated hours in a school-room subdivided into cells, and there simultaneously instructed. Each pupil being confined in a stall by himself, it is supposed that there will be no intercommunication among the prisoners; and that the words of the teacher, and his figures on the blackboard being heard and seen by many convicts at the same time, the progress of all from day to day will be greater than if each were separately instructed.

The value of this change will be best understood after a consideration of the method which it is to substitute. Take for example the plan first practised, we believe, at the prison for young offenders at La Roquette. A teacher stations himself in the corridor, and the cell doors having been opened sufficiently to admit the sound of his voice without allowing the inmates to see each other, he addresses himself to his pupils. These are classed

according to the degree of their proficiency, and the classes are numbered, so that the attention of each may be fixed by calling its number. It matters not how widely scattered may be the members of each subdivision; although no two of them may be in adjoining cells, yet the number being called, a class is as effectually constituted, as it would be by any method of our common schools; and thus in a block containing any usual number of prisoners, as many classes may be formed as the instructor deems necessary. Model boards are hung in each cell, suited to the class to which the inmate belongs; and in this manner the tuition, whether in reading, writing, or arithmetic, is aided by the same exemplars as are used on the black board of a common school.

What then is the advantage of the proposed room with stalls? *The prisoners see the teacher.* Whatever benefits may result from this fact, the reader will observe that there are risks and unavoidable mischiefs which must at least render questionable the propriety of a common room. The pupils must go singly to and from the place of instruction. This requires a daily loss of time for both officers and convicts. Experience in common chapels has shown that even under the eye of a keeper there will be attempts to communicate; and the possibility of success in such attempts, distracts more or less the attention of the prisoners. There will be the same difference in the proficiency and the capability of individuals, as exists under other modes of instruction; and the teacher will not be more sure that his explanations are understood by all of his hearers. Each pupil must learn by himself; and will require that the progress of the instruction be made to correspond with his own advancement. In no school, whether in or out of a prison, can we be secure that the teacher is comprehended, unless to the general methods in use we add personal conference with the scholar. This cannot be obtained in the stalls; and thus we are forced to the same means as are employed at La Roquette; viz. visitation of the cells, after the lessons have been given to the classes.

At the Eastern Penitentiary, where the teacher is not aided by the method of La Roquette, it has been found that from 80 to 100 convicts can be easily kept under constant instruction, and that a very satisfactory progress can be made. The testimony from all the

separate prisons of this country is strongly in favour of separate tuition. The application of the learner is found to be prompt and steady; and the liveliness of impressions made in the cell is confidently believed to overbalance any advantages hitherto asserted in favour of common rooms. It will be understood that the question is not one of mere economy as respects the pecuniary cost of instruction; although this consideration is not overlooked by our friends. The change proposed appears to add to the recognised plans only a sight of the teacher while he is giving his general instruction to the classes. We desire that this may be fairly estimated; but for our own part we think it is dearly purchased by the marchings to and fro, and the distractions and risks of the stalled room.

II. *Religious worship and instruction.*—It is known to our readers that in the English model prison at Pentonville, a chapel was constructed to which the prisoners are conducted one by one; and in which, sitting in separate stalls, and overlooked by officers and by the preacher, they hear the sermons, and engage in the prescribed services of the sabbath. In Pennsylvania the prisoners remain in their cells, the doors of which are partly opened; and the preacher addresses the inmates from the gallery of the corridor. The spread of our form of discipline in Europe has connected with a comparison of these two modes of worship certain considerations, the importance of which we do not presume to determine; and which must be left to the judgment of ecclesiastical authorities and the consciences of individuals. It has been said by some persons that the rites of the Roman Catholic church require a community of the assistants; and that some of those rites must be so conducted that the officiating minister may be seen. Without expressing an opinion upon this subject, we desire to offer a few suggestions which may serve at least to define more clearly such of its features as are properly in question.

Let it be remarked in the first place, that those who urge the necessity of some arrangement which will enable convicts to see the minister, do not ask more than a chapel subdivided as at Pentonville; so that the *community* required is, theoretically, no other than exists at Cherry Hill. Secondly, as respects the indispensable character of the *visible* rites, persons whose bodily health

prevents their attendance upon the services of the church, are deemed to be excused by their infirmity; and, as convicts are secluded by reason of intellectual or moral disease, the privation of accustomed religious opportunities would be in like manner justified, if no provision could be made which would at once satisfy the claims of ecclesiastical prescription, and furnish a safeguard against any evils which ought to be prevented. Destruction of moral health is, at the least, as good cause of privation as the exaggeration of physical disease. Whether the known disadvantages of a chapel with stalls are sufficient to justify a departure from the usages of the church in free society, we leave to be decided in the manner most proper in the circumstances. It may be added, however, that in France the religious brethren whose services are given to prisoners, have not thought it necessary, (as we are informed,) to make any representation on the subject; and Dr. Varrentrap asserts that the Archbishops of Tours and Bourdeaux, the Abbés Fissiaux and Larogne, and other clergy, have given decided testimony to the greater efficacy of religious instruction in the cells.* Whatever, therefore, the benefits of a common chapel, the comparative *effect* of cellular ministration should not be disregarded.†

With this view of the case, the reader will understand how the plan of stalls has united so many voices in its favour on the continent of Europe; and how it has happened that other plans, to which we shall hereafter advert, have made the mode of worship so prominent an element of design. One of the resolutions adopted at the late penitentiary congress at Frankfort, makes it indispensable that the convicts shall see and be seen by the minister; but it would be erroneous to attribute this conclusion to a single estimate of the metaphysical relations of either of the leading methods. The weight of religious opinion upon the question above noticed, is clearly to be regarded as influencing, in some measure, the members of the congress. To those who consider the subject as pertaining merely to penal discipline, and as purely

* It is possible that the plan of a central chapel has prevented any decided action of the clergy.

† The chaplain of the Versailles separate prison, speaks very strongly on this subject.

secular in its character, a few brief observations upon the merits of the common chapel may be appropriate.

The objections heretofore made to the preaching at Cherry Hill relate partly to the speaker, and partly to the hearers. Of the former it is said that he has nothing before him but naked walls, and that it is impossible for him to exert his persuasive powers as effectually as when his eyes meet those of living men, upturned and sparkling with intelligence and feeling.* The most obvious answer to this opinion is, that it applies to all written discourses; for in the preparation of these, certainly no aid is derived from any visible audience. We need not add, that the proper delivery of such discourses does not depend upon the number of listeners, visible or invisible. To come to the practice of extemporaneous speaking, (which is the strongest test of the question,) so much depends upon habit, that we might safely rest on this point alone. Were it otherwise, there could be no closet exercises for the student of oratory, no premeditated beauties for the pulpit or the forum—but we are ashamed to write more, while we remember that in every cell there is a man, a brother by nature, a brother in immortal destiny, upon whom rests the heavy burden of sin and shame, and upon whose ears our words are to fall as the messengers of condemnation or of hope. Shut out from the companionship of their fellows, tortured with remorse for evil deeds, or wrapped in the indifference of hardened guilt, hundreds of moral beings silently await our instruction—our exhortation. We have seen them all, and have heard the story of their lives, of their passions, their temptation, their fall; we foresee the perils which await them; we know the value of their present opportunities. What faithful minister of Christ will tell us that he cannot preach to those unfortunates, because he cannot see them with his bodily eye? If his zeal be fervent, as it ought to be, every form which stands behind the door-screen will be vividly in his mind's view; and he will shrink from the idea that he cannot *thus* labour to win back to virtue his erring brethren.

As respects the prisoners, in either of the cases assumed the

* Some of our readers will think such an objection unworthy of notice. We heard not long since the chaplain of an associate prison assign precisely this as his reason for not desiring to preach at the Eastern Penitentiary; and still more recently, another clergyman said, "I could not be eloquent in such a place!"

preacher will be heard; and the sole question is, in which will the spoken words produce the greatest effect? If the knowledge of the fact that others are also hearing the same words is important, this is secured at Cherry Hill, as certainly as in the stalled common chapel. In both, no prisoner is permitted to see another during the service. There remains, then, only the fact that in the chapel the speaker is seen by his hearers; and before we estimate the value of this, we must ascertain what is its cost.

In the first place, then, the attendance of the convicts under our plan is voluntary. The cell doors are opened by the officers, but any individual may seat himself in the most remote part of his cell, or may even close his door again if he chooses. On the other hand, the preparation for the common chapel consists in marching the prisoners, hooded, to their respective stalls. Without an augmented guard, it would be impossible to allow the same freedom on all occasions, as is practised with us; the corridors must be overseen, as well as the chapel. It cannot be doubted, that the formality and constraints of this preparation are less favourable to the impressions designed by the preacher than is our simple, unobtrusive practice. After the services have commenced, it may be that the proper action of the speaker will augment the effect of his words; *but it may be otherwise.* Amongst men, the majority of whom are predisposed to ridicule the sacred office of religious teaching, and many of whom are habitual scoffers at divine things, the peculiarities of the preacher may excite as much attention as the subject of his discourse; and we have the experience of free society in our support when we add that gestures to which we are accustomed, and which are used for a purpose to which we are indifferent, have little influence upon our feelings. It would be fallacious in the extreme to make the effect of finished oratory, employed upon topics in which we are interested, the criterion of what may be generally expected from discourses in any prison chapel. This is, in our opinion, worth less than the moral advantage which is *in prisons* gained by the total seclusion of the convict. Much is accomplished when we have removed irrelevant and frivolous associations, and have closed the access of false shame or impudent opposition; when, in short, we have so placed our hearer that no other stimulus shall reach him from without than is conveyed by

the words of the preacher. If these be the words of truth and soberness, if they be adapted to the occasion and to the dictates of prison experience, the loneliness of the hearer, and his knowledge that no eye is upon him but that of Omniscience, will do more to enforce attention than any looks or gestures which are likely to be presented in the chapels. We insist the more upon this consideration, because we have frequently observed in convicts a reluctance to permit any signs of conviction to appear upon their countenances. Every careful visitor has seen the shifts resorted to in order that their feelings may be concealed. With the knowledge that they are watched, there exists almost universally a restraint upon their emotions. We hesitate not to express our belief, founded upon our own observation, that many men weep in their cells, who would, if aware of the presence of *any* person, maintain an unmoved exterior.

We may repeat here the suggestion made with reference to common school-rooms, that the attention of many will be distracted by the greater apparent facilities for communication. In a former number of this journal it was stated that attempts at intercourse had induced the officers at Pentonville to put the convicts in alternate stalls in the chapel. This example, however, was not needed to corroborate our position; since the experience of associate prisons had proved that whatever the form of restriction, nothing but the certainty of detection would prevent attempts of the kind.

Upon the whole, then, we think that some better argument should be adduced in favour of the common chapel than is founded upon the visibility of the *preacher*. After a long experiment in the penitentiaries of our state, no such evidence has been obtained as requires a change of method; certainly none which would justify the introduction of new risks or impediments into the course of our reformatory measures. We have no opinion upon this subject which will not readily yield to opposing proofs; but we are satisfied that the modification adopted at Pentonville is due to speculative objections against the practice of Pennsylvania; and that its superior benefits have not been experimentally shown. If it had immediately succeeded to the congregate plan, under which the prisoners are not separated by partitions of any kind, we would consider it a most valuable improvement; but as a sub-

stitute for a method already tried, one to which it adds mischiefs, but to the results of which it promises no increment of good by any means yet satisfactorily established, we cannot at present give to it our support. Should further trial, at Pentonville or elsewhere, disclose such advantages not yet ascertained as shall change the balance of proofs, we will not be slow to acknowledge our error.

III. *General construction.* The radiating plan of the prisons constructed in the United States for the separate discipline, is familiar to our readers. At the recommendation of the British Commissioners, it was adopted for the model English prison. The French commissioners reported it for the sanction of their government; it being the basis of M. Blouet's design of a penitentiary, which accompanied his official report. It found favour with experienced judges in other parts of Europe, and has even been employed under the associate system.* Its facilities for inspection and access, and for extension to answer the wants of a growing population; and its peculiar convenience in other respects have obtained for it a marked preference over other modes of building. Within a short period, a plan differing from it in several important particulars has been published in France as that of M. Harou-Romain. It appears in the *Revue Pénitentiaire* with a commendatory notice, and it has been lauded by several persons as the crowning act of improvement in prison architecture. It is said to have received the approbation of a council of the Inspectors-General (in 1839). We read with surprise this phraseology on the part of M. Moreau-Christophe. "The cellular system of the American prisons is not the cellular system required by the penitentiary school of France. What we desire ourselves—what is contemplated by the government is *the French system of INDIVIDUAL IMPRISONMENT, and not the Pennsylvanian system of SOLITARY CONFINEMENT*. What we desire is separation, not solitude. What we desire is that our prisoners shall be separated from their companions in evil, only that they may be brought as much as possible in contact with the good. What we desire is to make them lose the social habits of criminals, in order to give them instead the social habits of the up-

* E. g. The new workshops of the Maryland Penitentiary are built on that plan.

right. *This is a new system*; it has no example in the United States." (p. 663, vol. ii.) As an embodiment of this "new system," the plan of M. Harou-Romain is said to have reduced the nearest to its solution the problem of a complete cellular prison. We regret that a gentleman generally so well informed as is the editor of the *Revue Pénitentiaire* upon these subjects, should have been induced thus hastily to attribute exclusively to French invention, improvements, which had long been familiarly known and practised in Pennsylvania; which at the time he wrote were also carried out in the construction at Pentonville, and other places; and for which M. Blouet was indebted to advice received by him in this country, and to examples here witnessed. We are forced to repeat that as respects exercise, pure air, light, regular warming, visitation and instruction, no French design that we have seen has added an important element to the designs of the Philadelphia Prison Society; designs which would long ago have been more fully demonstrated in the construction of our prisons if the appropriation of the necessary funds had been under the control of the Society. That the progress of science as applied to the arts will multiply and improve the means of administration must be expected; but we have yet to see the useful *result* indicated by any French architect, which has not long since been recognised amongst ourselves.* Two objects are proposed by M. Harou-Romain which we readily accord to him or any other claimant; they are not comprehended by the phraseology used above, and it is not probable that they will be received as indispensable into any of the designs which may be adopted here. One of these is to

* We refer our readers to the preceding numbers of this Journal for proof that M. Moreau-Christophe is using Pennsylvanian phraseology while he is praising the "French system." The memorial of the Philadelphia Society presented to the Legislature in 1828, draws the very distinction claimed for M. Blouet. In fact the "separate" system is the Pennsylvanian system; a fact in no wise altered by late mechanical or other improvements in detail (see the first article of the present series for proof). The provision actually made at Cherry Hill shows beyond question that even the model at Pentonville differs only in degree. We regret that the means of precise information in regard to the details of the theory as well as practice of separate confinement in Pennsylvania hitherto within the reach of M. Moreau-Christophe do not appear to have been commensurate with his desire to do us justice. Unfortunately for the European reputation of the Pennsylvanian system and its penitentiaries, such misapprehensions are by no means confined to this able and enthusiastic writer.

fix an altar in such a position that it may at all times be seen by the prisoners without their leaving the cells; the other is so to arrange the cells that their interior may be wholly open to inspection at all times by day and by night, from a central observatory; the prisoners at every moment, and their keepers when with them, being exposed to the eyes of as many observers as may happen to have access to the central post. A circular building is proposed to be raised to a height of several stories, and subdivided by partition walls pointing towards the centre, so as to form cells widening outwards. These consist of three compartments, for sleeping, for work and for exercise. There is no wall either on the inside or the outside, it being designed to secure the inmates by grating and by glazing, so that a person at the centre can see through all the cells to the open air beyond. Four screen buildings from the centre to the circuit of cells divide the interior courtyard into four parts, prevent the convicts in opposite cells from seeing each other, and at the same time furnish covered communications for the officers. We do not go into the details of this plan, because as it proposes only two new features, neither of which is considered by us desirable, it is of little consequence by what means these are to be secured. As respects the chapel, whatever may be thought of the necessity for a visible service, inasmuch as this can be obtained by a mode of construction which has been sufficiently approved, we are not prepared to plunge into a novel, untried, and objectionable plan. The uninterrupted inspection appears to us to be eminently fallacious. Because *some* inspection is necessary, and architectural designs must provide for easy supervision, we are to infer, that *unceasing* inspection will be the best! Because it is possible that convicts alone, or with unfaithful officers, may controvert the regulations or advice of the government, we are to expose the prisoners to an unremitted gaze from the centre! Reasoning like this is not strengthened by the remarks of M. Harou-Romain who tells us that none of the actions of the prisoners should escape supervision. "I do not understand," says he, "why society should not place the convict in the glass house of the Greek philosopher. This sage desired it because none of his actions needed the concealment of walls; the convict should live in it, because we should wish not

only that he shall not accustom himself to do wrong behind walls, but that on the contrary, he accustom himself to do nothing which he may fear to have observed from without."

In a future article we may consider in detail, and with reference to well-established principles of prison architecture, the general plan of M. Harou-Romain. Of course we have no wish to detract in the least from the merited praise of any architects; on the contrary, it affords us pleasure to welcome and commend every judicious attempt to improve the construction upon which the separate discipline depends for its complete administration. We were glad to see in the plan of M. Blouet, some arrangements which promised an increase of provision for bodily health; the improvements at Pentonville, were most acceptable to all friends of our discipline. The new Berks County (Pennsylvania) prison, now in course of erection, of which we gave in our last number a description, with plan and sections, is, in our opinion, superior to the model of M. Blouet; and the adoption of the Pentonville mode of heating and ventilation, demonstrates that foreign improvements when available, are cheerfully introduced. Those who are interested in the best administration of the separate system here, anxiously seek the aid of science and art from every quarter, native and foreign. But we feel bound to say, again, that we have found nothing novel in the *objects* of late improvements in construction; they have always been contemplated by the oldest patrons of the separate system in Pennsylvania; and if as pioneers, these have not been able in their first architectural essays, to obtain the same liberal expenditure which has characterized the latest attempts in our state, as well as elsewhere, they are not on that account to be regarded as blind to the very administrative means which they recommended before the opening of the Eastern Penitentiary. When more recent labourers claim to have originated what belongs to the earliest conceptions of our friends, it is surely not improper to recall the fact of priority, while we concede the merits of all architectural details which are really new.

Any plan of general construction now offered, encounters one already tried; and we are bound to see that sufficient reason is adduced for a departure from a known and approved method. It may be conceded that national character will vary the effect

of any mode of administration. The traveller finds that many domestic and social usages are regarded with indifference or even commendation in one country, while the inhabitants of another, shrink from them with repugnance. The *morale* of a prison receives its tinge from that of the free society whence convicts are taken; and hence the designer may in one place admit or reject what in another would require opposite treatment. Without presuming to judge more accurately of French manners than M. Harou-Romain, we believe firmly that in France as well as in the United States, the discipline by which self-respect is to be promoted, confidence secured, and the better sentiments of morality, refined and fixed, will not be aided by the exposure required by the plan in question. The security of prisons needs no such aid; the risks now incident to our discipline do not demand it; and no pecuniary benefit (if this consideration is to influence our opinion), is to compensate for the change. In this country we are confident that the effect of such a construction upon private sentiment would be disastrous. That hypocritical exhibitions of devotion on the part of some, and a constraint upon the honest religious impulses of others would *every where* ensue, is beyond doubt. We are compelled to abstain from further comment as our space is nearly filled; but before leaving the subject, we exhort our friends abroad to weigh carefully the alleged advantages of constant personal exposure, before they sanction a mode of construction the inferiority of which in other respects has been experimentally as well as theoretically shown; before they abandon a mode which has received the approval both of experience and of scientific judgment.

In conclusion we may remind the reader that we have briefly, as the nature of our articles required, shown that the changes alleged by the Boston Secretary to have been forced upon us by disastrous results of our discipline, have either not been changes in any reasonable sense, or have been merely the practical developement of our original plans, under difficulties and various embarrassing delays; and that they in no degree affect the main question of discipline; that changes which have been proposed are open to the objections which experience has confirmed against the associate plan; that any mixture of the two leading plans is inexpedient; that neither the project revived by Professor Tell-

kampf, nor the modification of the associate plan recommended by the matron of Sing Sing, is warranted by what is known of the effects of any prison discipline ; and upon the whole that the principal controversy is unchanged in its terms, and that the weight of opinion is now fixed in favour of separation. Lastly, that no sufficient evidence has been furnished to justify the friends of separation in adopting common schools, common chapels, or any general construction materially different from that in which our discipline has been hitherto administered.

NOTICES.

Second Report of the Prison Association of New York. 1846.

WE are sensible that the recently contracted limits of this Journal will render it impossible, notwithstanding the aid of a previous notice of some length, to pay due honour to the labours of the authors of these excellent reports. Still less can we expect to satisfy the cravings of those friends of prison discipline reform who may learn the proceedings of the New York Association only through the medium of our pages.

We cannot, of course, pretend to coincide with the Reporters in many of their views, or to acquiesce in the propriety of all their suggestions ; but we are not the less disposed to wish them God speed in the noble enterprise they have so earnestly begun, and to cherish the hope that it will prosper greatly in their hands.

Something like a leaning on the part of our industrious allies towards a rather premature assumption of peculiar aversions, has not escaped the observation of the friends of the Separate System. This early display of special doubts may, perhaps, be fair enough as the result of a natural desire, amid conflicting theories, to seek a resting-place on middle ground. At all events, we feel a strong reliance on the good sense and liberal temper which have thus far characterized the course of the Association, and shall await without misgiving the issue of their further action in regard to the investigation they have joined with us in prosecuting to the utmost. The vigour of the measures they have determined to adopt will materially assist our own society in the hitherto comparatively fruitless efforts to disinter from their respective sources the only conclusive data by the aid of which a cautious student can be expected to arrive at a proper understanding of the truths of penal science, without the advantages of personal observation.

Few who have passed the threshold of inquiry in this matter have not exclaimed against the constant want of these indispensable materials. They are entirely beyond the reach of the mass of ordinary readers; if not inaccessible, in an embarrassing degree, to every one, however well disposed he may be to find them. It is hardly going too far to say, that such has been, and unhappily still is, the almost chaotic state of evidence to be derived from the meagre and multiform reports of prison officers in the various districts of our wide-spread Union, that any thing that deserves to be regarded as a permanently useful summary and comparative *exposé* of results, such as ought to be on record, has yet to be presented. The unprejudiced inquirer into the merits of the two leading systems, in the discussion of which the interested few have been so many years absorbed, must, until recently, have looked with very moderate success from the clamorous activity of the one party, to the comparatively voiceless but abiding faith of the other, for a practical attempt to clear away the mist of irregular and discordant testimony by which the whole study has been hitherto enveloped.

Such an attempt appears to be one of the earliest, and certainly most important projects of our energetic neighbours. It comes in most opportunely with a recent movement of the Philadelphia Society, which is likely to prove an important step towards the goal proposed. And we are encouraged to believe that the period is more rapidly approaching when something like a uniformity and thoroughness of character in the annual statements issued from our different establishments will be demanded by the nation as the only true basis upon which to found an available experience. It ought not to be forgotten, that the Philadelphia Society, as its recent action and past history clearly show, has ever held the necessity of such a consummation prominently in view. Nor has it ceased to ask only for a full and fair appreciation of its doctrines, formed upon a general but scrutinizing survey of well-authenticated facts.

The separate prisons within the reach of its immediate influence have, in accordance with this candid spirit, from the first continued to present the kind of exhibition—at least of moral and physical results—that was claimed alike for all. But precept and example were equally unheeded in the obscurity and din of partisan discussion. While the unpalatable secrets of the prison-house in other places were allowed to remain comparatively unexplored or timidly hushed up, the Pennsylvania Penitentiaries unflinchingly laid bare the bad as well as good condition of the whole body of their inmates, a condition that was scrutinized with a closeness of inspection previously unknown in the annals of our public in-

stitutions. It is not strange, then, that in the absence of all published counterparts and qualifying explanations, the statistical array thus ushered forth by well-meaning men, and at once paraded in the most distorted light by designing adversaries, should stir up an outcry of alarm and indignation among the ill-informed and unreflecting. Prejudice and ignorance combined in equal violence against a system whose administrators had been bold enough to show that even the confinement which their personal observation had convinced them was the best adapted to the improvement of the prisoner and the lessening of crime, was not free from some of the embarrassments inseparable from the management of every convict population.

Nor is it strange that, from the outset of their experiment, these gentlemen should have had to contend against the hasty zeal of crowds of philanthropic champions, whose distempered fancies had conjured up a phantom of disastrous effects;—short-sighted inquisitors, who looked only at the darker shadows of a solitary picture, without seeking out the portraiture of evils quite as great, if not more serious, in many other scenes.

The reiterated verdicts of trustworthy investigators on the spot, the more general developement of a spirit of inquiry, and of a more humane regard for the individual interests of the prisoner, the progress of events, in short, along with the more effectual agitation of the question, here as well as elsewhere, have gradually produced a salutary change in the aspect of the contest. This has always been foreseen by the advocates of our system; and to its ultimate arrival have they confided the justification of their course against every species of assault.

The friends of the Pennsylvania system are too firmly convinced of the justness and wisdom, as well as safety of the principle of separation,—of the fundamental necessity of individualizing the offender in his treatment under penal discipline, to fear any disparaging effects upon unbiassed minds from a really searching and complete investigation. And, under this persuasion, they regard with unalloyed satisfaction every properly-directed effort that promises, as well to aid them in their own endeavours to awaken the attention of the public to a much-neglected though vitally important subject, as to augment in a material degree, the store of means and appliances that may facilitate the study of its bearings in their most extended application.

We gladly hail the publication of this second manifesto, therefore, despite the rather *a priori* bias here and there betrayed, as the har-binger, perhaps more bright than any we have met, of a better state of

knowledge in relation to the penal institutions of America, not only in a few favoured quarters, but throughout the land.

The spirit and ability of the officers of the New York Society are well displayed in the energy with which they have applied themselves to the discharge of their immediate obligations in denouncing the shameful abuses prevalent in the different prisons of their metropolis—abuses, some of which every friend of humanity will be glad to learn have at last begun to disappear before the powerful influence at work against them. A portion of the sad history of enormities thus exposed by the Prison Discipline Committee, has been transferred to the pages of a former number of this journal. We have neither time nor inclination to dwell upon the remainder of these discouraging narrations; and only allude to them at all for the sake of the example presented by the members of the committee in the fearless and thorough-going manner in which they have held up to public indignation the evils they describe.

Thanks to the unobtrusive, but ever active influence of the Philadelphia Society, it is long since such a list of grievances could be brought against the administration and construction of our city prisons. Still we desire not to forget that the present is no time for idle boasting. The necessity of vigilance in behalf of progress, not less than against the danger of backsliding, must ever provide for those who have assumed the obligation, abundant occupation everywhere. We have too long been anxiously alive to the difficulties attendant on the present management of, with three or four exceptions, all the county prisons of our State, not to be glad to welcome the inspiring example of our neighbours. It is our earnest hope that the emulation thus excited may not only urge us on to better deeds, but spread far beyond the comparatively narrow sphere of the society whose elevated objects the Philadelphia Journal was established to sustain. We would rejoice to learn that the gratifying spectacle of an association numbering among its active members such distinguished men, and which during the first two years of its existence has accomplished so much positive good, and guarantees the equally efficient continuation of its labours, is likely to awaken a similar amount of philanthropic zeal in the community around us—a community in which the whole burden has rested hitherto upon the shoulders of a devoted and unrequited few, unrequited in all but the happy consciousness of having done much towards relieving themselves and their associates of a grave responsibility.

From the recapitulation of what they have done the past year, and propose to do the next, it appears that the Executive Committee of the New York Association have—

"Received about \$3000 in donations of money and articles :

"With this amount, they have established an agency, and an office for male convicts, where 122 persons have been relieved :

"They have also established a 'Home' for females, where 107 have been received, and which has now 28 inmates :

"They have found places and employment for 83 persons, from most of whom good accounts continue to be received :

"They have attended to the cases of 80 boys, and restored 48 of them to their parents and friends :

"They have attended to the cases of several, who have been arrested on suspicion of crime,

"And have procured the release of six, who were confined for debt.

"They propose to employ an agent, whose whole time shall be devoted to the cause of those who are arrested and detained for trial on criminal charges :

"An agent, whose duty it shall be to take care of discharged convicts, and procure them employment :

"And an agent, who shall travel through the state, seeking contributions, establishing auxiliaries, and diffusing information as to our purposes, and the public wants.

"They propose, also, to continue the establishment of 'The Home' for the reception of females, and enlarge its sphere of usefulness :

"To have a thorough inspection of the County Prisons of our state, to the end that their evils, being known, may be redressed :

"And, finally, to establish a workhouse, for the reception and detention of those who, not yet criminal, are fast verging towards crime, and whose salvation, or fall, will depend upon the manner in which they may be treated."—(p. 62.)

With such an admirable prospect of usefulness in view, who would not look forward with eager interest to their future progress in the good work before them? And who will not rejoice in the confidence expressed by the Committee that "While the labourers will not be few, the harvest will indeed be great"?

We are strongly tempted to mark for quotation and comment much that is presented in the different contributions that are gathered together in this annual offering of the gentlemen whose praiseworthy operations have suggested the preceding introductory remarks. The table of contents alone is rich in valuable suggestions, and affords abundant proof that the cheering language of the Executive Committee is something more than mere unmeaning declamation. The limits of our notice, however, must restrict us, for the present, to the report of the Committee on Prison Discipline. Part of this, containing an account of the City Prisons was, as already hinted, some time ago submitted to our readers. Without further allusion to that portion of the report, and passing from the considerations suggested to the committee by a brief review of the condition of the other prisons of the state, we take up the topic next in order under their arrangement—that of **BODILY HEALTH**.

Here they are met at once with the embarrassments arising from the

paucity of data, in regard to which we have taken occasion in a preceding page to echo their complaints. They suffer greatly at the outset from "a want of that accurate information which the examination of so important a matter demands." Similar embarrassments have rendered us, at all times, feelingly alive to the justness of such assertions as the following :

"Consecutive reports of the different Penitentiaries for a series of years, are only to be obtained with great difficulty, and even when obtained, on account of the desultory manner in which the statistics of health are presented, afford no very satisfactory data for comparison. An uniform method of reporting the different facts, if generally adopted by the physicians of our Penitentiaries, would greatly facilitate future investigations, and enable us to form some just estimate of the effect of confinement and prison discipline upon the health."—(p. 90.)

The general conclusions to which they seem to have arrived are nevertheless judicious, as far as they go, and are well expressed.

"Our examination of this subject inclines us to the opinion, that imprisonment rather tends to increase than diminish the chances of life; for though the moral effect of confinement is doubtless injurious to health, regular habits, simple but wholesome diet, comfortable clothes, an equal distribution of rest and labour, and a freedom from great excitement, are eminently restorative in their character. If, then, the tenants of our prisons are diseased, or die in undue proportions to persons at large,—the sickness and death must arise, we should think, from other causes than those necessarily connected with, and inherent to imprisonment. Small, low, ill-ventilated, dark, and damp cells; severe punishments; the nature of the employments, and want of cleanliness, may, and undoubtedly do, in many instances, operate to produce disease. These, however, are not the necessary adjuncts of a prison, and it would be exceedingly wrong to charge upon imprisonment the results of negligence, carelessness or thoughtlessness. Neither should a prison be made accountable for the sickness or death of all those who enter it with worn-out and broken-down constitutions, or diseases contracted while they were at large. It is a fact familiar to all, that the natural results of crime are sickness and death; and it will not, therefore, be a matter of surprise, if even a larger proportion of invalids is to be found in our prisons than elsewhere."—(p. 90.)

Their remarks in relation to the fearful prevalence of phthisis, present nothing new to the experienced observer, but are not the less entitled to the most serious attention.

"The report of the Auburn State Prison for '43 and '44, containing a detailed account of the deaths by each particular disease in that establishment, presents the astounding fact, that out of 229 deaths that have occurred in that prison since 1817, 124 died from some form of diseased lungs, and 103 with consumption; thus making more than one-half of all the deaths to depend upon this one cause. In Sing Sing for the last year, the proportion has been about the same, nine out of sixteen having fallen victims to diseased lungs. In the Eastern Penitentiary of Pennsylvania, for a series of ten years, a similar proportion has prevailed; and should this proportion hold good for other prisons, it becomes an inquiry of exceeding interest to discover, whether this extraordinary prevalence of a particular disease is caused by a prison life, or by previous habits of exposure, dissipation and crime. To enable us to arrive at a definite conclusion, the reports of the medical officer should

contain the state of the prisoner on entering prison, the date of entry and of death, the length of his sentence, the disease, age, colour, employment, sex, and crime. It should state the size of the cell, manner of ventilating, heating, cleansing; the number of ranges, or tiers of cells, and from which tier the invalid was taken; also, state generally, whether the cells are damp or dry, well lighted or dark; and any other fact he may know which will be likely to exert an influence upon health."—(pp. 90—91.)

We shall have something to say in connexion with this important matter at a future period, when more leisure, and a greater amount of positive information of the kind above demanded, shall be at our disposal.

Want of time unfortunately obliges us also to postpone the examination of several tables of statistics concluding this part of the inquiry, and which appear to have been constructed with commendable industry and care. If properly compiled they must prove an extremely acceptable addition to our too limited supply of such materials. The statistics on page 91 are said to be arranged from data furnished by this Journal. The figures are probably correct, but some transpositions have crept in. These, however, are not of a nature to affect the summary results.

We give the following "extremely interesting facts" without vouching for them in any way; and rather in order to protect ourselves against the suspicion of unfairness, than because we are prepared to put much faith in their correctness.

"The average of the thirteen Penitentiaries for the entire series, is 58.06; the average of the ten Penitentiaries on the silent system, is 56.09. The average of the three on the separate system, is 71.31. The average of the five prisons exhibiting the highest state of health on the silent system, is 77.66, or only nine per cent. more than the average of the three prisons on the separate system. The average of the five prisons on the silent system, exhibiting the lowest state of health, is 34.49, or about eleven per cent. less than the average of the two lowest on the separate system. The Penitentiary of New Hampshire exhibits the highest state of health, and in close proximity to it stands New Jersey. The different periods of five years are marked by a decided progressive improvement, equally gratifying and encouraging. As a general rule, it appears that the larger the number of prisoners, the greater the mortality; though the Virginia Penitentiary is an exception in this respect, as unaccountable as unexpected. The health, however, of this prison is rapidly improving, and last year there were no deaths among the convicts; the yearly mortality having fallen from twenty-five in 1838, to six in 1844, and none in 1845. By the returns of deaths for the state of Massachusetts, for 1842, '43, and '44, we find the proportion of deaths to population, between the ages of twenty and fifty, to be as 1 in 152.20; and by an examination of the commitments to Auburn from 1817 to 1836, Philadelphia from 1829 to 1844, Weathersfield for 1831 and 1835, and Virginia for 1844, we discover that more than four-fifths of all the prisoners are between the ages of twenty and fifty, viz:

| | Under 20. | Between 20 and 30. | Over 30. | | |
|------------------------------|-----------|--------------------|----------|-----------------|------|
| Weathersfield, Conn., 2 yrs. | 45 | 319 | 26 | Proportion of | 6.59 |
| Auburn, N. Y., 19 " | 371 | 2440 | 191 | those under 20 | 5.35 |
| Philadelphia, Pa., 14 " | 232 | 1654 | 103 | and over 30, to | 6.72 |
| Virginia, 1 " | 40 | 158 | 10 | those between | 4.16 |
| | | | | 20 and 30, as | |
| | | | | 1 in | |

Throwing out Virginia, which is only for one year, we shall have a proportion of 1 to 5.99, or nearly five-sixths of the whole number of prisoners between the above ages. Now the general average of the thirteen Penitentiaries is 58.06; add one-fifth for deaths among those under twenty and over fifty, and we shall have 69.67 as the proportion of those dying in prison, or a greater mortality, by more than 100 per cent., than appears in the returns from Massachusetts, which, although far from accurate, are, perhaps, sufficiently so for the purpose of illustration."—(p. 95.)

It is out of the question for us just now to analyze the tables, and sound the other sources from which the above deductions have been drawn. Considerable experience in these numerical investigations has led us to regard with apprehension the bald and inexplicit statements from which results of this kind are generally derived. A hasty glance at the arithmetical display before us reveals no distinction of colour, age or sex; none of occupation and previous condition, and none of a variety of other circumstances which ought to constitute the indispensable elements of such examinations. Nor is the whole number of cases, from the history of which the general results are reached, so large as to do away with the necessity of these distinctions. On this subject it may be well to read the language of one whose opinion is entitled to great weight in these discussions, especially when numbers are the subject of inquiry:—"When theoretical axioms, logical developments, and general conclusions and deductions are concerned, every tolerably-instructed reader can follow an author treating of the penitentiary system, quite as well as if he were engaged upon any other social, moral, political or philosophical question; a slight attention will enable him to see the weak or strong side of the argument. But when numbers extracted from official documents are handed you, they must be taken as they are; there is no contending against conclusions drawn from numbers of this kind, if they only bear the stamp of probability. Nor can a real analysis be made of these deductions, except by one who is conversant with all the phases of the numbers given, who comprehends their entire signification, and all of the exterior conditions; and is aware besides of the numbers omitted or forgotten. It is well known that nothing lends itself so easily to opposite interpretations as a set of figures. The science of statistics is difficult enough in all cases, if instead of dashing results the truth alone be sought; but no statistics are so complex, so hard to grasp, as those of medicine. One ought perhaps to be at once statistician and physician, in order to advance with the necessary caution, and to avoid being enticed into general conclusions by a show of isolated figures."*

* Dr. George Varrentrapp, *De l'Emprisonnement Individuel sous le rapport sanitaire*. (pp. 4, 5.)

We are not led to these remarks and this long citation from a foreign author by a disposition to find fault with the labours of our New York friends, or to cast undue discredit on their statistical productions. The objection must apply with equal force to many of us nearer home. The topic next touched upon is **Diet**. This in the opinion of the committee, "holds an important place."

"The obligations of the state," (say they very justly,) "extend no further, in this direction, than affording a supply of good and wholesome food; and motives of economy, as well as punitive justice, will always restrict him [the prisoner] to the plainest and coarsest. But with this restriction, it is a duty so to regulate the quality and variety, as to prevent its injuriously affecting the health. Too little attention has, we believe, been heretofore given to this matter of variety."—(p. 95.)

Their views on the moral and physical importance of a regard to the proprieties of dress and cleanliness are very good, but present nothing worthy of especial note. Several pages are next devoted to the discussion of the subject of **WARMING AND VENTILATION**. This portion of the report is principally taken from an article published in the *Journal*, and need not be repeated here.

Under the head of **INSANITY**, the committee "deeply regret" their "inability to procure more copious and satisfactory statistics."

"Much attention," (say they,) "has not, till quite recently, been directed to this subject, and no well-authenticated data obtained except from the Pennsylvania and New Jersey prisons;—all on the separate system. The reason of this is, perhaps, owing to the greater difficulty under the associated and silent system, in distinguishing those who are absolutely insane, from those who only feign insanity. The last Report of the Inspectors of the Sing Sing prison, presents a striking illustration of this fact in the case of a prisoner who had been several times punished for feigning insanity, and with the most marked success. The prisoner, again manifesting symptoms of insanity, was examined by the physician, and his case declared to be one of simulation; and he was accordingly again subjected to severe punishment, but without success. He was sent to a lunatic asylum, and, shortly after, died in a state which could leave no doubt as to the reality of his disease. We mention this fact, simply to point out the difficulty, where so many are congregated together under circumstances which must constantly keep those in authority on their guard against deception, of distinguishing certain forms of insanity, and the danger of punishing, as dissemblers, those who are truly afflicted. The same report further states, that 31 of the prisoners then in prison, or at Bloomingdale Asylum, were insane, but that most of them were still capable of being useful in various occupations. If attention was more particularly directed to this subject in all our prisons, and more searching investigations instituted, it might be discovered, that the disparity which is said to exist under different systems of prison government, would disappear; and perhaps the fact be established, that in many instances a predisposition at least to insanity had manifested itself, if the disease was not fully developed, before imprisonment."—(pp. 102-103.)

We cordially recommend the following to every member of the re-

sponsible class to whom it is addressed. It expresses the desire of every reasonable man who has thought upon the subject.

"It is to be hoped, that in a case where the interests of humanity are at stake, no pride of system will influence the officers and those who have charge of prisoners, to withhold one single fact which will tend to elucidate this subject; and we would respectfully invite, and urge every physician connected with our prisons, to make the most thorough examinations, and to give to the world the result of their inquiries in their annual reports."—(p. 103.)

We doubt exceedingly the "alarming frequency" of the cause of insanity so "strikingly depicted" in the table of mental diseases for the Eastern Penitentiary for 1838 and '39, and in the Philadelphia County Prison for 1845. The objections to isolated numerical statements apply to such evidence with tenfold force; inasmuch as there is not even the single positive element afforded in the certainty of death by all tables of mortality; while the causes and characteristics of mental derangement are almost as numerous and diversified as individual minds themselves. But more of this anon.

REFORMATION.—The doctrine that the reformation of the convict is equally important with his health, declared in so many words by the committee, is full of wisdom and right feeling. We rejoice to welcome it from such an influential quarter.

"Contrast the condition of our prisons thirty or forty years since, with most of those of the present day, and we shall perceive abundant reason for congratulation, and we hail with peculiar satisfaction the formation of Prison Associations and Prison Discipline Societies, in different parts of our land, as evincing an increasing interest in this important subject. Public attention is thoroughly awakened, and the experience of the last twenty years has incontestably proved, in a multitude of cases, that there is even hope of reformation within the walls of a prison."—(p. 103.)

We sincerely hope that the public attention thus "thoroughly awakened" may be not only properly directed, but drawn beyond the possibility of future slumber. The obligation to insist upon **INSTRUCTION** is treated with the respect that is inseparable from the minds that gave utterance to the enlightened views above announced. Take for example the following sentiments:—

"The idea is too common, that as soon as a man is deprived of his liberty as a punishment for his crimes, he is at the same time divested of all the qualities, attributes, and feelings of humanity. The prisoner seems, in the estimation of most, to have been transformed into a being of another order; and to be influenced by different principles, and acted upon by different motives. But does not the licentiousness, debauchery, and crime, which stalks unpunished through our land, and which is arrested by moral and religious influences, teach us that the same appliances may, and will work the same results in a prison?"—(pp. 105—106.)

Next come the much-mooted points of **CLASSIFICATION, REWARDS**.

and VISITATION,—all despatched in the space of twenty-five lines! Each one is quite sufficiently extensive in its bearings to require at least a chapter for its full discussion. We trust they will meet with better treatment in the next Report.

We regret our inability for want of room to present our readers with two interesting tables showing the various proportions of pardons to prison population during different periods. The positive nature of the data upon which they are constructed frees these tables from the most serious of the sources of error to which we have alluded, and are anxious to neglect no opportunity to direct the attention of our readers.

In regard to financial matters, we have only room to introduce the following advice :—

“It is much to be regretted, that a uniform system of reporting these facts, does not every where prevail; but not only does the system differ in every state, but in the same state from year to year. There seems to be no good reason why the cost of new buildings, and extraordinary repairs, should be included under the ordinary yearly expenses for support, or that the cost of material for manufactures, tools, &c. should be included under the same general head with bedding, clothing, fuel, or any thing else. It will greatly facilitate comparisons if, in future, the accounts are so kept as to give a *distinct account* for building and repairs, and also for manufactures. In Sing Sing and Auburn, a considerable portion of the disbursements, amounting to perhaps one-seventh of the whole amount, are for building or material; while in Connecticut and Virginia, the disbursements are strictly confined to support. Even including the above-named expenditure, there is a marked disparity in the expenses of different institutions, which will in some degree account for the fact, that in many of the prisons, the disbursements considerably exceed the income. Connecticut, where the expense for support amounts to only eleven cents and three mills per day for each individual, has, as we might expect, been one of the most successful in regard to its income; having within the last fifteen years earned \$70,709 14 over and above all expenses. To derive much useful information from the reported receipts of prisons, we should be advised, as well of the numbers engaged in each particular pursuit, as of the gross proceeds. We can in no other way judge of the individual productiveness of any employment; and this is of vast importance to the decision of what trades can be most advantageously, and most usefully introduced and pursued.”—(p. 111.)

In treating of ADMINISTRATION AND SUPERVISION, and of QUALIFICATION, the committee express sound doctrine upon the use and abuse of the appointing power. The mischievous effects of political changes upon many of our penal establishments ought to be familiar to every one.

“These constant changes, did they operate solely on the individual, would be of but trifling importance; but on the contrary, they are felt in every branch and department of the prison. The information acquired by months of experience, is lost in the triumph of a day. A new master commences his experimental labours, and peradventure, just as he begins to understand the duties and responsibilities of the situation, has in turn to give place to some more favoured political aspirant;—thus preventing or retarding any plan of

systematic reform, and making our prisons pent-houses of moral corruption, or engines of political abomination.”—(pp. 112—113.)

Again, while speaking of *qualifications*,—

“The opinion we fear is too common, that any person is good enough for a prison-keeper. We view this matter in a very different light; and to us it appears to require the combination of a strong mind with exalted benevolence, deep penetration, undoubted integrity, prompt decision, great firmness, an intimate knowledge of the human heart, together with a gentleness and kindness which shall beget or win the respect of all.”—(p. 113.)

The concluding object of the Report is to present a “COMPARISON OF PRISON SYSTEMS AND REFORMS.” This is very briefly done, including a short account of recommitments, in the course of some three pages and a half. As for the “*recommitments*,” we do not hesitate to express a want of confidence in all such statistical evidence; and of course, in the practical value of the arguments in favour of this or that scheme of reform derived from them, so far at least as the States of the North American Republic are concerned. The fallacious character of all records of the history of individuals who pass, unquestioned and at will, from State to State under every form of personal disguise, and whose whole lives are but a tissue of deceit which no surveillance existing under our peculiar form of government can possibly unravel, must be evident to every reflecting man. The authority of the criminal courts is perhaps of greater weight in this matter than that of prisons, although neither is entitled to the character of certainty. We do not agree with the committee in the belief that, even according to the documents on record, the Pennsylvania Prisons are behind any of the others in their freedom from a heavy charge of reconvictions. Still we do not attach sufficient importance to the question, at least as far as it can be determined by existing tables, to think it worth while to attempt to prove the strength of the position here assumed.

Prisons and Prisoners. By JOSEPH ADSHEAD. London, 1845. 8vo. pp. 320.

THE work whose title we have placed at the head of this notice, is an elaborate defence of that punitive system which we advocate from the fulness of our conviction as the only penal scheme yet devised by man, which essentially answers its object, and is adapted to the present state of civilization of our race. The design of this work' is to make

battle against unfounded prejudices, tenacious ignorance, and intentional misrepresentations, respecting separate imprisonment. Before attempting to give an idea of the peculiar character of the book, it may be well to answer the question, wherefore these constant and reiterated apologies for the system founded upon separate confinement? The reply is clear enough: because our opponents will persist in renewing charges a thousand times refuted; and in reiterating them with an assurance which would seriously impede the spreading of that penological system—which has been sanctioned by the most experienced prison disciplinarians, the most careful philanthropists, the most scientific penologists, and the most unbiassed jurists and lawgivers, with a degree of unanimity almost unequalled in any other matter of high practical interest and political magnitude. It is in this case as in so many others; or, as is perhaps the constant course in history, where important changes in practice form the contemplated subject. The truth is known to those who are willing to seek it with sincerity and diligence, long ere it can be embodied in practical law and positive measures. How long was it before England conceded counsel to the criminally-indicted prisoner at the bar, even after that “ermied ruffian,” Judge Jeffreys, had acknowledged it a cruelty and hardship to deny counsel to him who needed it the most? Austria, too, after having given a “*defensor*” to the criminal, when the well-wishing Joseph sat upon her throne, did not she place him again defenceless before the criminal court, or order—which amounts to the same, except that it adds ridicule to barbarity—that the judge should consider himself the counsel of the prisoner? What a protracted contest—how voluminous a literature of the most enlightened—how often repeated an exhibition of cruelty and infamy was required before men were willing to abandon the blackest wholesale crime that soils the annals of our race, the witchcraft prosecutions! Had not Weir, Reginald Scot, Montaigne, Spree, Filmer, Thomasius, Bekker, and hundreds of others again and again directed their battering-rams against the walls of that almost impregnable stronghold of sickening iniquity, we should see to this day gross superstition leading her victims to the stake, and pride herself upon her hostility to infidel innovation.

Perhaps the most striking and brilliant acknowledgment of truth in matters of practical government ever put on record, is contained in the resolutions of the congress lately held at Frankfort on the Main. It was not composed of enthusiasts; it was no “world’s convention”; its members were not selected and sent because they were already known to be strongly in favour of preconcerted resolutions, giving weight only

by the force of numbers, as at a mass or monster meeting. But the members were for the most part men who, theoretically, practically, or in both ways, had occupied themselves for years with absorbing interest in prison discipline; inspectors and superintendents of prisons, government officers, professors in universities, philanthropists from Germany, France, England, Denmark, Sweden, and other countries. Such were the members of this remarkable congress, met for the purpose of honestly and readily comparing their experience and knowledge, so that they might come to some satisfactory result in a matter of such vital moment to all civilized men. And this decision was, that they declared themselves, in their first two resolutions, almost unanimously in favour of separate confinement for persons indicted, as well as for those in the act of undergoing punishment.

Still we say, it is necessary to write and rewrite in defence of the eremitic system; for the advocates of truth have to deal in this case not only with the retarding or hostile causes which always oppose truth, but with some peculiar impediments over and above the common clogs. There is prejudice against one or the other point, though all the charges may have been refuted; there is negligent indifference, unreasonable adhesion to the established order of things, because established and old, or an equally irrational fear of innovation; there is dogged persistence in that which originally may have been adopted with good intention; party spirit which rejects the truth because it does not come from our own set; a fear of falling into sickly philanthropy, and again lacrymose sympathy, feigned or real, with things and cases which fiction first created, and lastly—for we must end our catalogue somewhere, having neither time nor disposition to give the whole—a certain aristocratic ferocity of established journals, which seem to take it highly amiss that provincial papers or private persons venture to prefer, cherish, or defend a system which the leading periodical has not yet thought proper to acknowledge. We have instances of the former of the last two cases in Mr. Dickens's well-known, but now fairly exploded tirade against the Eastern Penitentiary at Cherry Hill, and of the latter in the London Times. This influential paper contained in the number of November 25, 1843, the following passage:—"Similar deplorable results (namely insanity) have arisen from the enforcement of the same *accursed* system in the Eastern Penitentiary at Philadelphia, and in the New Penitentiary in New Jersey, in the United States."

This "accursed system" is the same which has been solemnly sanctioned by the penological congress at Frankfort, as we have just stated; which was adopted in 1844 by France, after the most search-

ing reports and debates in the Chamber of Deputies, and which is received in England, Prussia, and numerous other countries.

The time then, has not yet come, in spite of the brilliant success of our system, to allow the attacks which may be directed against it, quietly to pass; and we owe sincere thanks to Mr. Adshead, (an eminent philanthropist, and worthy citizen of Manchester, in England,) for his book. It is no systematic defence of the eremitic system, or entire theory of punishment. Our author had another object in his view. It was to select the most important objections, or the most distinguished assailants, and to answer the former, and expose the latter, in separate chapters. It is a practical book, and we like it for that reason. Having to write it in England, and for the English public, he selected, as a matter of course, those attacks which in that country are most serious, or the most plausible, or imposing. We thus find that Mr. Adshead after an appropriate introduction, devotes nearly a hundred pages to the "Fallacies" of the Times newspaper.

We, in this country, would think it strange if an author should select a paper, even though it were the best, as the main subject of refutation, in a book which is meant to possess permanent interest, or at least an interest far outlasting the fugitive pieces of a daily paper. But to do justice to Mr. Adshead, we must remember that an English leading paper has a far greater number of readers, and sways a much wider circle, than any of our papers does with us; and that besides, the author treats of almost all the leading points of the controversy in this first division, because the Times had attacked Separate Confinement on almost every point. We praise the patient research and unwearied spirit of inquiry which the author shows in this division of his book, and we make no doubt that Mr. Adshead has signally aided in setting the public mind right on this subject, as well as in bringing about a better state of things in England, which we would fain believe to be, if reports from the most widely different portions of the realm, and persons of the various professions, ministers, lawyers, and physicians, do not deceive us,—that the jails on the old plan are considered as reservoirs of impurity, from which streams far impurer still flow over the land, collected ruin to produce still greater ruin; and that no system promises any relief from this deplorable misery and self-multiplying crime, with the young or the old, except judicious separate confinement—not the half-way separation at night, as we find it in the Auburn system, but the *bona fide* separation of the eremitic or Pennsylvania system.

As the Times imposed upon the people by its extensive circulation and general ability, so did Mr. Dickens lend a share of influence to his other-

wise rather amusing remarks against separate confinement. Mr. Adshead, therefore, thinks it worth his while to prove in the course of twenty pages, how utterly mistaken the latter was in his assumption of the facts on which he so feelingly dilated.

The third division is occupied with the character and unfair statements of an old and steady enemy at home, who has used the name and influence of the Boston Prison Discipline Society, to do a wrong which that society would be slow, we think, to sanction.

Under the head of Prison Enormities, we find important remarks on British prisons, as likewise in the divisions, Model Prison, and Continental Prison Reform.

It would be difficult to select any part from Mr. Adshead's work; for its peculiar merit consists in its giving a great many facts collected in Europe and America, during the visits he paid to these countries for the purpose of investigating the subject of prison discipline, and in bringing them to bear upon the subject in hand; but this very merit almost precludes extracts. We take leave of this instructive book in recommending it to every legislator who is desirous of improving his acquaintance with a subject of so much importance.

Eighteenth Annual Report of the Inspectors of the Eastern State Penitentiary of Pennsylvania.

THE custom indulged in by the authorities of the Eastern Penitentiary, of withholding their annual report until at least two months of the new year have elapsed, has left us little time for the preparation of a satisfactory account of the voluminous and interesting document just issued from their hands. This want of time, as well as the pressure of other matter in the new limits of the Journal, forbids any thing more than a hasty and brief sketch of the valuable contents of this report. The arrangement for our pages and due discussion of the unusually rich display of statistical details presented by it, would of themselves occupy almost as much time and space as can now be reasonably spared for the consideration of the whole production. Confining ourselves, therefore, for the present to a superficial notice of the general features, we propose to return to the more important topics and statements at a future opportunity.

The report of the Inspectors commences with a short "historical summary" of the condition of prison discipline in Pennsylvania at the period prior to the first efforts at improvement. Then by way of comparison between the effects of the old and the new regulations, a large amount of statistics has been brought together from various sources. First appears a long list of commitments to the jail at Philadelphia, for different specified offences, during a succession of years, from 1787 to 1824, both included. These tables, together with some other statements similar in character, are intended to show the effect upon the morals of the community, of the old practice of crowding the prisoners together, and of the neglect of all attempts to improve the condition and character of these people. In contrast with this not very flattering exhibition is presented a numerical summary of commitments to the Eastern Penitentiary from October 25th, 1829, to January 1st, 1847.

But "in order more fully to establish the beneficial effects of the separate system of prison discipline, the reformatory and preventive features of which are so important," a table is given of crimes of prisoners committed during the last five years. The results deduced from these extensive calculations are certainly very much in favour of what no one now presumes to doubt,—the great superiority of the present modes of associate as well as of separate confinement; and we regret our inability to convey to these pages any part of these results, were it only for the sake of the general information they afford. Still, we may be permitted to express the doubt whether any clear idea as to the present state of our criminal population can be obtained from the most complete and full *exposés* of this kind.

For the purpose of showing the deterring influence of the discipline, we have, presented to us, the following table of commitments and re-commitments for the last five years :—

| YEAR. | NUMBER RECEIVED. | SECOND CONVICTIONS. | THIRD CONVICTIONS. | PER CENTAGE OF THE TWO. |
|-------|---------------------|------------------------|-----------------------|----------------------------|
| 1842 | 142 | 11 | 1 | 8.45 |
| 1843 | 156 | 10 | 2 | 7.69 |
| 1844 | 138 | 10 | 0 | 7.24 |
| 1845 | 143 | 9 | 0 | 6.29 |
| 1846 | 117 | 4 | 0 | 3.42 |

We quote the foregoing table rather for the assistance of those who place reliance on such evidence, and are in the habit of comparing the proportions of re-convictions in different prisons, than because we believe any positive results of this kind are now within our reach, or can be in this country, until after a very long succession of years. Great misap-

prehension in this matter has arisen from the confused method of reporting re-commitments that is still continued everywhere, except at Cherry Hill; and great injustice has, on that account, been done to the influence of separate confinement as practised there. But want of room precludes the further discussion of these topics in this place. After a few remarks upon what is called "the analogy between crime and disease so far as relates to general cause and effect in the moral and physical constitution," and upon the peculiar fitness of separate imprisonment in adapting itself, under proper management, to the particular wants of individual cases subjected to its influence, the report engages in some speculations on the theory of imprisonment in general, and of the advantages of the mode adopted at the Eastern Penitentiary in particular.

"It," (say they,) "is now no longer an experiment; but the separate system of prison discipline speaks in the voice of experience, subjected to the test of strict trial, to the spirit of progress of this age. Its arguments are facts; and its power of conviction over the minds of the enlightened, and unbiassed, and unprejudiced, is found to exist in the cumulative evidence which is adduced to maintain, that all it ever promised has been more than realized."—(p. 16.)

Again,

"Improve the details of administration as they require, and as experience suggest, and the consequences must be that these improvements will only tend to increase the superiority of the separate system over all others. That such superiority now exists is a fixed fact—it is beyond cavil, beyond doubt—and since the effective operation of the State Penitentiary has been examined and investigated, and understood, the separate system has made advocates, converted the incredulous, strengthened the opinions of its friends in its favour, and convinced the most enlightened inquirer after that mode of prison discipline and reform, which is best calculated to promote the greatest good of the greatest number of those who are unfortunately to be subjected to its infliction."—(p. 18.)

Although the Board of Inspectors "are satisfied with the condition of the Penitentiary for the past year," a wise and gratifying willingness is shown to take advantage of the improvements suggested, at a distance as well as on the spot, by practical experience and study.

"The separate plan of penitentiary imprisonment and reform, is believed, after the results of seventeen years' operation, to be decidedly the best yet devised; every year develops improvements in the details, which when made will tend to increase the benefits which the system will have in its power to bestow. The first and highest duty of those who are entrusted with the management of this penitentiary, is to watch with anxious solicitude for the development of these improvements."—(p. 28.)

A novel and interesting feature is furnished in an important tabular history of the operation, for the last five years, of the Chester County (separate) Prison, for the preparation of which the inspectors express their warm acknowledgments to the politeness of the officers of that establishment.

"From this table it appears 111 prisoners have been received into the Chester County prison from the date of its opening, August 6th, 1840, to January 1st, 1846, over five years; of these there were received in the year 1840, 9 prisoners; 1841, 11; 1842, 20; 1843, 27; 1844, 19; 1845, 25. Of these 111 prisoners only one died; and one committed suicide. The one who died was fatally diseased on admission, and died of consumption; there were, of these 111 prisoners, six admitted insane."

In alluding to the new separate prison ordered for Berks County, the opportunity is taken once more to dwell upon a want that has been repeatedly and forcibly expressed in these annual reports.

"The erection of county prisons on the separate plan is of infinite importance to the full success of the separate system. It is in these prisons that the accused are first committed. If, while awaiting their trial, they are congregated together, as is most common, in a large room, and left to themselves, the character of the association is most injurious."—(p. 25.)

Once more,—

"The management of the county prisons erected on the separate plan is also highly important. The government of these prisons should be entrusted to enlightened men, who are devoted to the system, and who will freely give their time and talents for the honour and success of our State system, and to realize all the advantage to prisoners and communities for which the plan is so admirably adapted."—(p. 26.)

In concluding this extremely hurried glance at the contents of the Inspectors' Report, we have only room to quote the following from the schoolmaster,—

"There remained under instruction at the end of the year 1845, 80 prisoners; there have been received under instruction during the year 1846, 106 prisoners; whole number, under instruction during the year, 186 prisoners; of this number there have been taught to read, 55; reading and arithmetic, 42; reading, writing and arithmetic, 89—186.

"Of the 186 prisoners under instruction the year past, there have been discharged, 21; discharged instructed, 85; remaining under instruction, 80—186.

"Of the 80 prisoners remaining under instruction, there are spelling, 27; reading and arithmetic, 85; reading, writing and arithmetic, 39—80.

"My experience, for the past year, still farther confirms me in the opinion of the facility in which prisoners in separate confinement may receive instruction."—(pp. 29, 30.)

It is with unaffected regret that we take leave, after such a hasty survey, of a document bearing the impress of authority so high as that of the Inspectors of our noted Penitentiary. We do so, however, only with the intention of returning to its consideration at the earliest period at our disposal.

The Warden's communication opens with a very favourable account of his second year's experience of the working of the system, as acquired in the course of his administration on the spot.

"The general orderly conduct of the prisoners during the past year has

been very satisfactory, and it is a source of gratification to be able to say that order has been maintained, for the most part, without resort to much punishment of any kind; efforts have been made to appeal to the self-respect of the inmate, and to govern as far as practicable by moral means rather than resort to compulsory measures; and the result has furnished convincing proof of its efficacy. The endeavour thus to control has not arisen from a morbid sympathy for the prisoner, but from the belief that there is in the breast of most, however degraded they may be, a chord—though in many cases deep and hidden—that, once reached, will vibrate to the voice of persuasion and kindness; and its response will be far more effective as a means of control than any physical suffering that might be inflicted.”—(p. 35.)

This language expresses a commendable state of feeling which we take it for granted is not intended to be contradicted by the concluding paragraph of the same Report, in which it is said,—

“Whilst the prisoner may be looked upon as the child of misfortune, his present situation, owing to the want of moral training in his childhood, where perhaps the impress was first received from those whose duty it was to train him to virtue, which fitted and prepared him to become what he is, yet the community which he has wronged must claim some portion of our consideration. And while our endeavours are used to reform, and meliorate his condition, we must keep in sight the fact, that his confinement in prison is his punishment for wrong doing, and care should be observed lest it should be made so pleasing as to frustrate one of its essential objects.”—(p. 46.)

What is meant by “running ahead of public opinion,” “in the laudable work of improving the condition of the criminal,” we do not entirely comprehend; but presume that the suspicions of our worthy friend are roused, against a disposition, on the part of over-zealous benefactors, to make the quarters and treatment of the objects of his care superior to what their real deserts would justify. Although by no means ready to echo the misplaced and ill-judged sympathy with imprisoned culprits indulged in by the sentimentalists of the day, and notwithstanding the recent rather fanciful demonstrations in some of the prisons of this country, we strongly doubt whether such a “pleasing” state of things is likely soon to be enjoyed by the inmates of Cherry Hill or any other penitentiary. We scarcely believe therefore in the necessity of such a caveat from the mouth of an officer whose position is so full of responsibility, and who must be expected to guard with jealous care, by precept and example, against the slightest tendency on the part of his subordinates by any arbitrary treatment to increase the weight of the simple incarceration to which the sentence of a criminal court, has doomed the offenders subjected to their power. The proposal of the Warden to avoid if possible the termination of the sentences during the winter months, and the consequent discharge of prisoners at an inclement and otherwise unfavourable season, appears to be well worthy of attentive consideration. Sufficient time is afforded by the other

nine months of the year for the dismissal of the whole number usually set free in the course of the twelve, without having to incur the risk of favouring injurious associations out of doors, by numerous discharges within a few days or hours of each other.

In connexion with the Warden's report, we submit a short summary taken from that of the Inspectors, as the only general statistics (those of the medical reports excepted), relating especially to the Penitentiary, which our limits will accommodate.

"Prisoners have been received to the number of 117 from the 1st day of January, 1846, to the 1st day of January, 1847, being 26 less than were received during the preceding year.

"Of the 117 received, 87 were white males, 3 white females; 23 coloured males, 4 coloured females.

"Within the past year 153 prisoners have been discharged, being 36 more than were received during the same period: of these, 114 served out their sentences; 26 were pardoned (25 by Governor and 1 by President), and 13 died.

"Of those discharged by expiration of sentence, 80 were white males, 5 white females; 22 coloured males, 7 coloured females. By pardon 25 white males, 1 white female; 0 coloured males, 0 coloured females; and by death 4 white males, 0 white females; 8 coloured males, 1 coloured female.

"On the 1st day of January, 1847, there were in confinement in the Penitentiary 308 prisoners; of these 212 were white males, 8 white females; 80 coloured males, and 8 coloured females."—(p. 18.)

The report of the physician partakes of the character of a formal essay in many parts, rather than of an ordinary official communication addressed to the directing board of a public prison. Those who may be surprised at its unusual length, as well as somewhat controversial and didactic tone, and at the variety of topics embraced within the range of discussion, should remember the peculiar position of the medical officer of the Eastern Penitentiary, especially since he has been required to reside within the walls, and devote his whole time to the medical and hygienic management of the inmates, and to the study of the effects of the discipline upon their mental and bodily health.

A great deal is expected from a witness whose opportunities for personal observation and the acquirement of peculiar and positive experience, are greater than those of any other individual in America, and with few exceptions, of any other in the world. The occupant of such a place cannot do otherwise than feel anxious to acquit himself of at least a portion of the obligation thus laid upon him, by circulating through the most authoritative channel, the results of his investigation into the moral and mental, as well as physical influences at work upon the subjects of his observation. This feeling seems to have led Dr. Given into pretty free expatiation upon matters which some persons may

regard as not within his province, and to write as if he were addressing the general reader rather than the experienced inspector. In answer to such objections, we have only now to say that the penitentiary reports are addressed to the people, through their representatives at Harrisburg; and being always published for the information of the people, of course they must be prepared with such a view. With regard to the topics presented for consideration, it should not be forgotten that the mental and physical influences are so closely interwoven with each other, and the operation on the mind, not less than on the body, of separate confinement, has been so much the subject of inquiry, that whatever can be supposed in the slightest degree to affect either alone, or both together, comes indisputably within the scope of the medical attendant and observer. The question of mental health in prisons is too important and has been too loudly bruited in relation to the Eastern Penitentiary, for the physician resident at Cherry Hill to be silent upon whatever he may be able to elucidate that bears in any shape upon it. With these remarks, which we venture to make rather in anticipation of objections that may hereafter be expressed, than because we have met with any such, as yet, in a tangible form, we are reluctantly obliged to dismiss the particular consideration of the medical report. Its length and interest, as well as the variety of topics which ought only to be considered in connexion with each other, render it advisable to defer any special notice until the proper space can be afforded to it in our ensuing number. For the information of those, however, who may look to these pages instead of the original source for the most important facts, we state them in a few words. Dr. Given informs us that "the experience of another year in the Eastern Penitentiary is replete with satisfactory evidence of the wisdom and healthfulness of its discipline. Notwithstanding the number of prisoners that were labouring under incipient or well-developed fatal disease at the date of their admission, the mortality has not been unusual, while the excellence of the general health could hardly have been surpassed in any similar institution established at the same early period." The mortality amounted to 13 cases in an average population of 326 prisoners, (6 from tuberculous disease of lungs, 2 from ditto of bowels, 3 from scrofula, and 1 from insanity.) Of these deaths, 4 occurred among the whites, in an average population of 235, making 1·70 per cent., and 9 among the coloured in an average of 91, making 9·89 per cent. These fractional ratios for a single year, and for any number less than a thousand, can only lead to error; we give them, however, in obedience to custom.

Nine of the deaths occurred in prisoners who entered in bad health,

and four of them brought in the diseases which terminated their existence. Nine cases of insanity occurred in the course of the year. In every one of these cases it so happens that there was either a defective state of mind on admission, or a predisposition to derangement from hereditary tendency, previous attacks or local injury. Dr. G., after a residence of two years and a half within the penitentiary walls, warmly recommends the separate system "as at once the most humane and enlightened, and as safe as any in use, as it regards the well-being of the minds and bodies of the individuals subjected to its discipline. Yet," says he,

"While I thus unhesitatingly state my belief of its superiority in a moral point of view, and of its entire safety respecting its influences on the mental and physical health of the prisoners, when its principles are thoroughly understood and acted upon, I nevertheless believe that, like other systems of penal discipline, it is susceptible of many abuses, and could be made, in the hands of ignorant or selfish men, an engine of great cruelty. The evils of mal-administration are, however, easily guarded against by proper legislative enactments, and indeed can hardly ever occur in any community having sufficient intelligence to recognise the principle that reformation is, to say the least, as much the object of imprisonment as punishment, and to aim at lessening crime by creating a horror of it in the minds of its perpetrators, rather than seek to eradicate the evil by punishments that can hardly ever fail still further to debase the wretched subject."—(p. 59.)

Here we must close the present notice of the Medical Report, in order to introduce a single passage from that of the Moral Instructor.

"It will be seen by a reference to the annual statistics, that there is a constant decrease in the number of prisoners. The past year that decrease is thirty-six. While there has been an unusual accession to the population of the city and districts, and perhaps a corresponding increase throughout the state, only one hundred and seventeen prisoners have been received. This is highly gratifying, and may in some good degree be attributed to the wholesome influence of the discipline of this Institution, inasmuch as I have seen and known at various times in our own city, a number of convicts engaged in honourable industry, who but for those influences might, and probably would, have swelled the list of commitments to the usual number.

"After an acquaintance of more than eight years with the system of discipline in the Eastern Penitentiary, and the influence of separate confinement upon the mind of the prisoner, I am constrained to express my conviction that that influence is entirely safe and wholesome. Without claiming any special capability for the investigation of mind, I draw my conclusions from facts constantly occurring under my own observation. The facility with which the ignorant learn to read, &c., the activity of the faculties of imitation and invention, the skill and contrivance manifested frequently in the execution of various works of art, the sudden evolution of mind, where scarcely the germ of thought had appeared—show conclusively, that the mind cast upon its own resources awakes to newly developed strength and power. The opportunities for reading and reflection surely cannot dwarf the moral instincts. The poet's expression, 'How blessings brighten as they take their flight,' is as strongly realized by the prisoner severed from home as by the survivor of departed

relatives. The child feels the awakenings of love to an injured and dishonoured parent, the husband to the wife, or the father to the children, such as had probably never been felt in their ordinary intercourse before the sad and fearful fall. Deep compunction is felt, many a sincere resolve is uttered, just sentiments are expressed with an emphasis of feeling which indicates the reality of their existence. Nor is the change less observable as it regards the relation subsisting between the soul and God. Many a profane person in his cell learns to fear an oath, and many who had never thought of prayer now bend the knee in secret, and on the Sabbath attend to the stated religious exercises with an interest and reverence scarcely exceeded elsewhere. I am satisfied with such facts constantly existing, that neither the mental nor moral faculties can be injuriously affected by separate confinement."—(pp. 70, 71.)

The testimony afforded by the latter of the foregoing paragraphs is of the highest importance, and is entitled to particular respect. It comes from a tried and eminently cautious minister of the gospel, who has enjoyed greater opportunities in the way of his peculiar experience than any other individual, and who now, if we mistake not, for the first time ventures to give the results of that unequalled experience in a positive and unequivocal expression of approval. For the satisfaction of those who insist on matter of fact evidence of attention to the moral welfare of the prisoners under his charge, he expresses his renewed obligations to the various benevolent associations for continued supplies of bibles, books, and tracts. Respecting the last-mentioned, we are informed,

"Of tracts 30,000 pages have been circulated; the number of stated visits has been three thousand two hundred; the number of religious exercises, sermons, &c., amount to two hundred and forty-two, averaging forty to each corridor."—(p. 71.)

ART. VII.—*Miscellaneous.*

Foreign Intelligence.

1. MR. G. SUMNER ON THE SEPARATE SYSTEM IN FRANCE.

A remarkable vindication of the separate system has been just received from Boston, that ancient stronghold of our bitterest opponents, in the shape of an admirable letter to the Mayor of Boston, by George Sumner, Esq. This gentleman, who, during a seven years' residence abroad, has examined with care the prisons of almost every European state, has also seen at various stages of their progress, prisons on the separate system, and gives the most unequivocal evidence of a settled approval of the latter, as the only proper system now in use. In addition to these advantages of personal observation, he has had access, through the liberality of the French Minister of the Interior, not only to a large number of printed reports from the

different French prisons, but to all the correspondence in the *Bureau* of the Ministry, relative to the twenty-three cellular prisons on the separate system, which have been in operation for some time in France. In this correspondence, continues Mr. Sumner, for we quote nearly verbatim from his letter, were the minute reports of the directors, chaplains, surgeons, and visiting committees, all intended for the eye of the government alone, and only shown to him on condition that what he might copy should not be made public in France. The testimony afforded by the extracts from these peculiarly authoritative documents, presented in the letter, is of the most gratifying and convincing character. We can hardly desire any thing more conclusive, as far as it goes, than the strong and varied evidence Mr. Sumner has presented to us; and while we take the earliest occasion to express our profound acknowledgments, in behalf of the large number of respectable citizens who are deeply interested in his communication here, we are once more constrained to give utterance to the regret that our cramped pages will not allow the immediate publication in the *Journal* of every sentence in the letter. Our disappointment in this matter, however, has been materially lessened by the prompt and liberal action of the Acting Committee of the Philadelphia Society. These gentlemen have directed the immediate publication of two thousand copies, for gratuitous circulation. We shall be rejoiced to hear again from Mr. Sumner, whenever he may be disposed to write. He enjoys invaluable opportunities, and is well able to turn them to a good account in the service of his country and of humanity at large.

2. WAKEFIELD (SEPARATE) PRISON, ENGLAND.

The *Leeds Mercury* of January 2d states that the new buildings of the Wakefield House of Correction, on the separate system, are nearly completed, and that the prisoners were to be removed into it during the week.

"From this time," says the *Mercury*, "the new or separate system of prison discipline will supersede the old one, which has been in use for some years, under the name of 'the silent system.' Many of our readers have probably visited the West Riding House of Correction, and have observed the prisoners were confined in large roomy cells, containing from fifty to one hundred and fifty prisoners, and that the strictest silence was enforced. Still, however, each felt a species of society in the mere presence of the others, and the deprivation of speech became less and less irksome, especially to old offenders, who had been convicted more than once. Under the separate system now being adopted, each prisoner is kept in the strictest seclusion from all (convict) society. He eats, works, and sleeps in his cell, which he never leaves, except to take exercise or attend the chapel. His mind undergoes a reaction; the thoughtless and the bad are forced into intensity of reflection; and though the problem whether it be possible to reclaim the prisoner habitually being won by any plan of discipline has never been satisfactorily solved, there appears nothing so likely to effect this cure as the system of separate confinement."

3. PRISON DISCIPLINE IN GERMANY.

The different cellular prisons ordered by the Government of Prussia are rapidly advancing towards completion. The building at Cologne, which is, in most respects, a copy of the English model at Pentonville, has been several months occupied. We hope soon to be able to present to our readers a complete account of the state of these and other German prisons, together with a general view of the recent progress

of prison discipline reform in Europe. For this purpose, we rely, mainly, on the promise of Dr. Julius, who very kindly tells us, in a letter recently arrived, that he "will try to procure," for us, at an early period, the necessary information.

It is not, we trust, improper to remark, that in the letter just alluded to, this distinguished writer expresses the particular gratification afforded him by the "excellent report" of the Cherry Hill physician, published in 1846. "I long," exclaims the learned doctor, "for the next one (the eighteenth) which will complete a full picture of the Eastern Penitentiary, as we ought to have it, for the good of humanity and the benefit of all the prisons on the globe."

DOMESTIC INTELLIGENCE.

4. *Illinois Penitentiary.*

Through the prompt attention of an esteemed friend, and zealous member of the Acting Committee of the Philadelphia Society, we have been favoured with the early perusal of a memorial of Miss Dix to the Legislature of Illinois, in which is set forth with great effect, the deplorable condition of the Penitentiary at Alton in that State. The strong appeal, and the practical suggestions for improvement, which accompany the statement of defects exhibited in this memorial, seem to have produced an effectual and immediate response on the part of the legislative body to whom they were addressed. For we find in the same envelope with the paper of Miss Dix, a Report of a Joint Select Committee of the Illinois Legislature on the Penitentiary concerned. This committee, after having attentively examined into the condition of the Penitentiary, agree to the justness of the representations of the distinguished memorialist, and accord with the latter in recommending many of the alterations and improvements that had been proposed.

This is indeed a cheering triumph, but it is only one of many others which have already been attained by the efforts of Miss Dix; and which bid fair again and again to follow in the career of her beneficence. We can wish nothing better than long life and health to one whose philanthropic enterprises seem to be attended with so many admirable and enduring fruits.

5. LAW REQUIRING ANNUAL RETURNS FROM THE COUNTY PRISONS.

A great deal has been said, in this Journal and elsewhere, by the members of our Society, and much will be said again until the evil be corrected, in regard to the high importance of full, precise and regular returns, at least once a year, from every prison in the Union; also, as to the general and gross deficiency in this kind of information, which continues to prevail. The penitentiaries of Pennsylvania are less liable to the charge of negligence in this respect than most other prisons in the United States; but no accounts have been hitherto required by law from the County Prisons of the State. It is with peculiar pleasure that we are now enabled to state that, thanks to the representations of the Society, and to the wisdom and good-will of the Governor of the Commonwealth, the law requiring detailed annual reports from these smaller prisons, has been finally enacted. We are unable to give any of the provisions of the bill, as it is not just now within our reach. Some notice of it, however, will appear in the ensuing number of the Journal.

6. REPORTS, PAMPHLETS, AND OTHER PRINTED DOCUMENTS RECEIVED.

We have received a number of reports and other pamphlets, of which we would be glad to render an account, and from some of which we expected to cull a variety of matter for this portion of our pages. Circumstances which need not be stated here, have interfered, in the preparation of this first number of the third volume of the Journal, with the original intention of the present conductor. His desire was to bring together, if possible, a greater proportionate amount than heretofore of miscellaneous matter, including foreign and domestic intelligence of a proper nature, as well as to secure a comparatively greater number and variety of articles and notices of moderate length. Some additional experience in a new position, and greater freedom from the pressure of other engagements (together always with the valuable assistance of a few collaborators,) will, he hopes, enable him more fully to accomplish these designs, in the conduct, at least of the remainder of the volume for the current year.

Among the documents sent to us by different friends and correspondents, are the Reports of the Western State Penitentiary, of the House of Refuge of Philadelphia, the New Jersey State Penitentiary, the Mount Pleasant (Sing Sing) State Prison, of the Massachusetts, the Kentucky, the District of Columbia, the Missouri, and the Virginia Penitentiaries, and two memorials of Miss Dix, (one in relation to the Illinois Penitentiary, and the other on the subject of the Insane in that state,) to the legislature of Illinois, together with a report of a joint select committee of that legislature, on the Illinois Penitentiary. The *Jahrbücher der Gefängnisskunde*, Nos. 2d and 3d, Vol. 8th, has reached us, but no number of the *Revue Penitentiaire*, since the date of April, 1846. Nor have we seen an Auburn report, or one from Maryland, Ohio, or Weathersfield, for the past year. An ordinary attention to our reasonable wants in sending these annual reports as soon as they are issued, would cost little trouble, and will be acknowledged as an important favour. These and other communications should be directed to the "Editor of the Journal of Prison Discipline," and addressed to the care of E. C. and J. Biddle, publishers, No. 6 South Fifth Street, Philadelphia.

THE
PENNSYLVANIA JOURNAL
OF
PRISON DISCIPLINE
AND
PHILANTHROPY.

EDITED BY
EDWARD HARTSHORNE, M. D.

LATE CHANCER (RESIDENT) OF THE EASTON PENITENTIARY.

PUBLISHED UNDER THE DIRECTION OF "THE PHILADELPHIA SOCIETY FOR
ALLEVIATING THE MISERIES OF PUBLIC PRISONERS" INSTITUTED 1797.

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JULY, 1847.

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1847.

CONSTITUTION

OF

"The Philadelphia Society for Alleviating the Miseries of Public Prisons."

When we consider that the obligations of benevolence, which are founded on the precepts and examples of the Author of Christianity, are not cancelled by the follies or crimes of our fellow-creatures: and when we reflect upon the miseries which penury, hunger, cold, unnecessary severity, unwholesome apartments, and guilt, (the usual attendants of prisons), involve with them, it becomes us to extend our compassion to that part of mankind who are the subjects of those miseries. By the aid of humanity, their undue and illegal sufferings may be prevented; the links which should bind the whole family of mankind together, under all circumstances, be preserved unbroken; and such degrees and modes of punishment may be discovered and suggested, as may, instead of continuing habits of vice, become the means of restoring our fellow-creatures to virtue and happiness. From a conviction of the truth and obligation of these principles, the subscribers have associated themselves under the title of "THE PHILADELPHIA SOCIETY FOR ALLEVIATING THE MISERIES OF PUBLIC PRISONS."

For effecting these purposes, they have adopted the following CONSTITUTION.

ARTICLE I.—The officers of the Society shall consist of a President, two Vice-Presidents, two Secretaries, a Treasurer, two Counsellors, and an Acting Committee, all of whom, except the Acting Committee, shall be chosen annually, by ballot, on the second Second-day, called Monday, in the month called January.

ARTICLE II.—The President, and, in his absence, one of the Vice-Presidents, shall preside in all meetings, and shall subscribe all public acts of the Society. The President, or in his absence, either of the Vice-Presidents, shall moreover have the power of calling a special meeting of the Society whenever he shall judge proper. A special meeting shall likewise be called at any time when six members of the Society shall concur in requesting it.

ARTICLE III.—The Secretaries shall keep fair records of the proceedings of the Society, and shall correspond with such persons and societies as may be judged necessary to promote the views and objects of the institution.

ARTICLE IV.—The Treasurer shall keep all moneys and securities belonging to the Society, and shall pay all orders of the Society or Acting Committee, signed by the President or one of the Vice-Presidents, which orders shall be his vouchers for his expenditures. He shall, before he enters upon his office, give a bond of not less than two hundred pounds for the faithful discharge of the duties of it.

ARTICLE V.—The Acting Committee shall consist of the President, two Vice-Presidents, two Secretaries, two Counsellors, Treasurer, and

(This is a page 10, Chapter 1)



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No. 2.

ART. I.—*The New Law requiring Annual Returns from County Prisons, Criminal Courts, &c.*

WE have on several occasions adverted to the comparatively slow progress of our penal institutions. We have mentioned also, from time to time, a few of the causes of this delay in their due advancement. And in considering, somewhat more regularly, at least a portion of the means required to counteract the influences complained of, we now propose to introduce to the favourable attention of our readers, the recent law, (announced in the April number of this journal,) requiring annual returns from county prisons, criminal courts, &c.

The history of improvement in penal discipline, affords a remarkable illustration of the important influence of voluntary agitation, whether conducted by individuals or associations, upon the progress, in certain channels, of civil policy and government. It is well known that this improvement owes its origin to the labours of one man, whose voice first aroused Europe to a consciousness of duty, and a disposition to perform it;—whose researches and remonstrances were the earliest precursors of a vast reform.

Since the days when the footprints of Howard were fresh on

the floors of English prisons, much has been done to complete the work to which he was devoted ; but that is a great work, and it should not be forgotten that we are yet only a little way towards its perfection. Since those days, our own republic has been created ; and in every confederated state, penal institutions have demanded, and to a greater or less degree required, the assiduous care of government. In Pennsylvania, a few individuals disclosed the condition of our colonial jails, and recommended a plan for their renovation ; a few individuals suggested changes for our criminal code ; and thus began progress in our state. Experience encouraged other alterations, and at length, a stage was reached at which appeared a code well worthy of respect for its humanity and skill, and a system of prison discipline, which, with all its imperfections and in the midst of the strongest rivalry, has been pre-eminent ; has moulded the best prisons of the other hemisphere.

Now, ought it not in reason to be supposed that our government thus in its infancy furnished with institutions of so superior a character, has cherished them with peculiar zeal ? That their operation has been watched with extraordinary anxiety, and that every opportunity has been sought to remedy the defects incident to them as new establishments ? Yet the truth is, that these means of government, supplied at the outset by the Prison Society of Philadelphia, owe all their improvement at every stage, to the solicitations, or the plans of that society, or to the natural result of measures of which they have been the authors. Spontaneous action on the part of the government, they have never had. Nay, more ; some of the most valuable recommendations of the society, and of those who had adopted its principles, have been the most contested and opposed on the part of those to whose judgments and votes the public interests had been confided. Time, however, overthrew the opposers, and the authority of the state sanctioned the course of our friends.

Amongst the representations made at the seat of government was this : that the state penitentiaries and the county prisons are instruments of public justice, and are the means by which our criminal code is executed ; that as a part of our *system of government* they ought to be both well understood

and firmly controlled ; and that, to secure this object, their condition should be frequently reported to the supreme authorities. The propriety of this representation is so obvious, that the reader will wonder not that it should have been made, but that it should have been needed ; yet year after year found the Prison Society an applicant in our halls of legislation, for a provision which would have at least partially supplied the acknowledged defect, but which was not merely omitted but rejected. Our prisons continued without any other than local supervision, and the criminal law was left to be executed in many places of which the government never officially heard. At length after a fresh memorial from the Society, the proposed enactments were recommended from the executive chamber, and were resolved by both the legislative Houses,* and are now law.

It is not enough, however, that those enactments shall appear in the statute book ; they cover only a portion of ground which is altogether preparatory to future legislation. Even if well executed, they cannot do more than disclose the nature and extent of duties, the existence of which they are to make manifest to the people at large.

Let us consider more closely a few of the reasons which induced the lawmakers to adopt, and which ought to encourage officers and other citizens to carry out in practice, the requirements of the new statute.

It will be granted at the outset that common sense no less than the structure of government, demands that the various subordinate branches of administration should be under the supervision of the head ; and that to insure a proper acquaintance with the condition of each, periodical reports should be concentrated at the seat of government, where are supposed to be framed the general regulations which guide the whole. In order to execute our code of laws, we have subdivided our territory into many parts, in each of which are an officer to prosecute offenders, a tribunal to hear and decide, and a place of detention and punishment. The details of this system are numerous ; for there must be some citizens to pursue and

* In February last.

arrest accused persons ; magistrates to authorize the detention of such ; jurors to decide whether the accused shall be subjected to the inconvenience and exposure of a trial ; other jurors to investigate the facts if a trial is necessary, and judges learned in the law to keep the proceedings within legal limits, and finally to pronounce sentence on the convicted. After all come the officers who have custody of the convicts, and who are responsible not only for their safe keeping, but also for their being subjected to the discipline, and only the discipline, prescribed by law. With such a complication of instruments, in every one of more than fifty counties, it is surely not going very far to ask that the Legislature, by whose authority the system is established, and who are to amend it whenever it is found to be defective, shall at least be apprised of the manner of its operation and the character of its results, and that abuses in the preventive or in the punitive branch of administration shall be checked by some regard to the scrutiny of higher powers. In the principal countries of Europe, the department of state properly requires an account to be formally rendered. At the capital of Pennsylvania, the inquirer will find that the whole subject is in charge of—nobody !

As a mere subject of fiscal interest, it might be thought that the annual expenditure actually incurred, and the mode and reasons, and the fruit of such an application of public money, would attract some attention. The outlay, whatever it is, enters properly into any estimate of the burdens and resources of the commonwealth. Without it, the total cost of our government cannot be known. At present, no citizen, no public officer, can by any evidence to be found at the seat of government, even approximate the yearly payments made for the several instruments of government to which reference was made in the last paragraph. It is not enough that most of these draw their pay from local sources, or under the review of local officers. This may be a convenient arrangement ; but as its particulars are fixed and controlled by the general legislative authority, and form parts of the system devised for the whole state, it would be unreasonable to make the bare establishment operate to destroy the obligation, to inform the

Legislature of the degree of success attained, or of the draft thus warranted upon both general and local resources.

There is another aspect of the subject which is of much greater moment ; as it relates to the personal security of the citizen. It is a curious fact that in the midst of our efforts to protect this against ostensible attacks on the side of government ; and to establish a chief magistracy, whose constitutional duty it is to shield personal liberty against irregular interference, we have provided no means by which either he, or the representatives of the people in the Legislature, may be periodically informed of the number of citizens who are thrown into jail, the alleged reasons for their incarceration, the manner in which they are treated whilst in confinement, the duration of the restraint, and the mode of their discharge ; whether the causes of arrest and detention are frivolous or grave ; whether a crime has been committed by an individual, or he is imprisoned as a witness ; whether the course of justice is uniform or halting ; whether the office of a grand or petit jury, is frequently or rarely substituted by the arbitrary decisions of a prosecuting attorney ; whether the process of criminal tribunals is much or little used for cases which never reach a trial ; and a multitude of other interesting inquiries, are left without any such response as can annually reach the representatives of the people. Equally neglected is the treatment imposed upon the untried, (who may be innocent,) and upon the convicted prisoner. It may be humane, and reforming, or it may encourage idleness, profligacy, and every other vice which it is theoretically designed to prevent. It may be cruel by its natural operation, and no tidings reach the ears of government by any accustomed channels. Let it not be said that we are suggesting mere fanciful contingencies ; that the local officers, and the citizens generally will see that there be no great abuses. The truth is, that there *are* abuses which are not considered by either local officers or the citizens generally ; and were it otherwise, it would be no more than a reasonable precaution to place the agents of government in such communication with the supreme head as would secure a feeling of common responsibility, and a collection of all the evidence *necessary* to guard against either the omissions or

the positive errors to which we are exposed on the part of an uninformed Legislature. Few persons take the pains to reflect upon the large number of men and women, boys and girls, who are received annually into our county jails; and if negligence, or any other cause happens to produce or disclose an example of maladministration in a county, it appears as a single case, and is palliated, or talked about and forgotten. It is not remembered that the aggregate of such cases in the entire state must be large; and that whatever confidence we may have in the intelligence and fidelity of officers in our own vicinity, all experience shows that there is less general security where there is no regularly recurring period of accountability upon the details of conduct. There are many subjects respecting which no inquiry is ever made, the very necessity of reporting upon which would be advantageous. Who, e. g., troubles himself to learn the proportion of forfeited recognizances which are sued out, or the number of nolle prosequis which are entered? As regards jails, the public apathy is notorious. We have witnessed in some of our most flourishing county seats, prison scenes which could not have continued to disgrace our state year after year, if a dozen inhabitants of the town had given a serious thought to their exposure and reform. There are cases of cruelty, cases of lamentable hardship, cases of ruinous perversion of character, which are noticed when the time of redress has passed, or the perpetrator is beyond the reach of punishment. We say then, that while vigilant to restrict the power of our government to violate private right, we should at least supply to it the knowledge which is needed to restrain and amend the conduct of its ministers; and that while we boast of our care of public liberty, we should not overlook the necessity of holding to a frequent report the local authorities, amongst whom, for mere convenience of jurisdiction, the state distributes her powers of arrest and detention. It is an unsatisfactory thought, that amongst monarchical institutions, a thousand particulars nearly affecting the security of individuals, are periodically reported and published; while in our republic, they are left to the chances of private research, or the presumed tenderness of officers for *private rights*.

When our prison discipline was chosen, it was evident that its introduction would greatly modify the operation of our penal code. To sentence a convict to ten years' confinement, may mean very different things, depending upon the nature of the restraint which he is to undergo; and the object of the penalty may require a very different limitation of time, according as the discipline is adapted in a greater or less degree to the legal purpose. The establishment of penitentiaries, especially those upon the separate system, brought with it the necessity of reviewing the periods prescribed for the various grades of crime. When the Eastern Penitentiary was about to be opened, our Legislature directed three commissioners to revise our penal code, and to report it in a form adapted to the separate discipline. Those gentlemen thought proper for their report to attack the discipline; and how far their codification may have been influenced by their opinions in relation to the new prison, we cannot pretend to determine. However this may be, it is certain that from the date of their report, no inquiry has been conducted on the part of the government to ascertain the extent to which they have succeeded in solving the difficult problem committed to them. It must be granted on all sides, that a subject so important is worthy of repeated study; and that uninterrupted efforts should be made to acquire the proper materials for adjusting the relations of our code and discipline.

Not less obvious is the importance of maintaining equality in the application of our penalties. If every county jail were different from the others in its interior administration, there would in effect be as many systems of punishment as there are counties. In fact, the diversity of restraint and discipline is very great; so that a man sentenced to one of the local prisons, really undergoes a different infliction from that to which he would be subjected in another. To witnesses and untried persons, the injustice of this state of things is rendered more impressive by the peculiarity of their circumstances; and to prisoners of every class the main effect is clear. It seems reasonable to believe that every well-conducted government would inform itself of the manner in which its laws are executed, *would see that in all of its prisons the prescribed*

penalty is administered in conformity with the prescribed rule. Our government has not hitherto cared to be informed upon these subjects. At this time no reports are made to it which can exhibit the condition of the county jails!

Inasmuch as a discretion is necessarily entrusted to the judges of our numerous county courts, that they may apportion the quantity of punishment within the extremes fixed by law, it may happen that the same classes of crime will be differently punished in different localities; and thus the administration of the code become unequal. The nature of the prison discipline is properly as relevant to the function of the judge, as to that of a codifier; and an ignorance or disregard of this element cannot fail to produce deplorable results.* It is true that we cannot compare single cases, nor criticise the motives of a particular sentence, all the inducements to which are known perhaps only to the prosecuting officers; but when we have the sentences passed in each of the counties, during a series of years, there is a neutralization of minor differences, and any remarkable departure from the average term for a given offence may be safely noticed. This collation of practice in the numerous districts would influence the minds of judges; for it is not to be supposed that any of them would persist in a course widely variant from one generally sanctioned. To the Legislature, a knowledge of the average period of sentence is indispensable, if it be desirable to scrutinize the operation of our penal system, and to confirm the progress which has been commenced.

Again: we have established at a great expense, and in the face of much external opposition, a penitentiary discipline, the merits of which have not only been satisfactorily proved to ourselves, but have commanded the favourable opinion of governments abroad. We have deliberately adopted it, and deliberately approved it, during many years of trial. It is the only discipline recognised by our law, for state prisons. Now, if the reader will observe that all the inmates of those prisons are first confined in the local jails, he will need no argument

* Our attention has been more than once called to sentences, the length of which could not in charity be attributed to any other cause than the judges' misconception of the nature of our penitentiary discipline.

of ours to convince him that the character of the latter must bear directly upon the influence which is expected from the penitentiaries. In the latter we seek to separate criminals from each other; to prevent their forming mutual acquaintanceships, and reciprocating vicious instructions; to teach them order and industry; and to excite in them virtuous resolutions. If, when arrested, they must be thrown into a promiscuous society of criminals, permitted or compelled to remain in idleness during several months, brought into contact with hardened and wily offenders, at the very time when their self-respect and hope are most depressed, it cannot happen otherwise than that the young, the weak, the innocent, will be harmed, and that the objects of penitentiary treatment will be embarrassed in advance, with respect to those convicts upon whom it might produce the best effects. So important a consideration is this, that even in states which adhere to the associate system, the separation of the inmates of county jails has been urged from the most respectable quarters. Is it not then a duty toward our system that the county jails of Pennsylvania, shall be periodically examined, and their condition made known to the Legislature, in order that their conformity or non-conformity with the general plan may be decided, and every suitable provision be made?

How, it may be asked, can justice be done to our state discipline, while the adverse agencies which have hitherto thwarted it in the counties, are hidden from the public eye? To assume that our system is in universal operation, would be a great error; and it is for the government to demand of the local officers a full report of the manner in which they are executing the duties entrusted to them. We shall not stop to reason against any opinion founded upon the idea that as the county treasury pays the costs of the prison, the citizens of the county should be left to manage its concerns; and that these are "local affairs." It will not be denied by reflecting persons, that the administration of our criminal law is a branch of the government of the commonwealth. This may be parcelled out, both as to jurisdiction and expense, amongst many subdivisions of the state; but to the general head it belongs to see how the allotted portions are respectively accomplished.

and to take from time to time such measures as may be needed to stimulate or to restrain the subordinate departments. Especially is this the case when there are concerned state institutions, which are immediately affected by the local ones, and in the establishment and management of which, the whole people have acted. We might add that it is a sufficient answer to any objections upon this head, that the citizens are everywhere interested both in person and property, in these the only safeguards upon which they can rely for protection against crime; and it matters nothing in this aspect whether the defective branches are in one or another part of the state.

Much might here be said of those details by which we are guided in our judgments of the causes of crime, and the best means of prevention. It is conceded now that these have a close relationship to social condition, education and national character; and that they are modified by age, sex, colour, and the conjugal state, as well as by individual peculiarities. Crime should be traced to its sources, and closely observed in every manifestation; and it is the difficult duty of government to distinguish the accidental from the permanent causes, and to remove as many as it can. Hence arises the preliminary duty of collecting such details concerning public offenders as may conduce to the principal end in view.

Again: of so important a branch of government as that before us, it is obviously proper that a full and fair record should exist; without this, many of the advantages to which we have adverted cannot be secured. Experience has shown that without a feeling of responsibility, and a periodical obligation to report, it is not possible to induce officers to make proper records, or to preserve them when made.

We might extend our remarks in favour of the new law, but our space is nearly exhausted. The observations of our friends in various parts of the state would convince us, had our own opportunities not afforded us the means of judgment, that the reasons above given are not merely theoretical; that in many respects the actual condition of our county jails is such as to demand the intervention of the government; that laws long since enacted, have been wholly disregarded, and *that the administration of our criminal code is sadly defective.* In a future article, we shall have occasion to speak more at

length upon these topics, and we only ask that the evidence shall be collected in such a mode as may serve the purposes of legislative deliberation.

The only objection which we have heard to the measure is that it may occasion trouble and expense! Our readers will not require a reply to suggestions of this kind. If officers perform faithfully the duties already imposed upon them by a reasonable construction of law, they will find very little additional required of them by the new bill; but were it otherwise, we could not pause on such a ground.

The bill is not as complete as the Society would have made it, if they could have executed all their wish; as it is, however, if not allowed to become a dead letter in practice, the fruits of it will before long be apparent to the community.

In conclusion, we exhort our readers, whether in private or public station, to use what influence they may be able to exert in favour of the measure. Our citizens have taken too little interest in subjects of this kind; they may do much to promote the welfare and improvement of our penal institutions. Let us all unite in the true spirit of a discriminating usefulness to discharge our obligations as responsible members of an enlightened community. Let it not be said of us that we slothfully permitted to pass us unnoticed and unimproved, the system, by establishing which our fathers earned so just a renown.

We subjoin a copy of the Bill.

An Act requiring the inspectors of prisons, sheriffs, prothonotaries, and clerks of criminal courts and others, to make annual returns to the Secretary of the Commonwealth, and for other purposes.

Whereas, It is desirable to obtain accurate information relative to the condition and expenses of the penitentiaries and prisons of this Commonwealth, and the costs of supporting the criminal courts thereof. Therefore,

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be the duty of the inspectors, sheriffs, or other persons having charge of any penitentiary or jail within this Commonwealth, to transmit to the Secretary thereof, on or before the fifteenth day of February, in each and every

year, a full statement in detail of the condition of such penitentiary, or jail, during the year ending on the thirty-first day of the previous December, showing the number of prisoners committed to such penitentiary or jail during the year, distinguishing the convicts, the prisoners for trial, witnesses, and other persons committed, and the offences of, or with which, they have been convicted or charged, and other causes of commitment, and the sex and colour of the persons in every class so distinguished, and how many were insane at the time of their commitment; and further, in relation to convicts, distinguishing persons sentenced to separate labour from persons otherwise sentenced; and of each class of persons sentenced, showing the age, the place of nativity, and of conviction, and the term of sentence, and whether they have been previously convicted, and how often and where imprisoned; whether they could read or write or had learned a trade at the time of commitment; whether they had been apprenticed, and served out the full term of their apprenticeship; whether married or single; and such statement shall further show, the length of imprisonment of witnesses, the average imprisonment of all other persons than witnesses, and persons sentenced, and how many of such other persons received during the year were returned to court, and how many of them were discharged, and in what manner discharged; distinguishing the prisoners for trial, persons committed as vagrants, as disorderly persons, for breach of the peace, and others; and of the whole number of prisoners in such penitentiary or jail during the year, how many were discharged by expiration of sentence, by pardon, or otherwise; how many escaped, how many died, the cases of sickness, and the nature thereof; how the prisoners are classified, their different trades, and occupations, if any, while in such penitentiary or jail; whether an opportunity is afforded to the prisoners for doing overwork, or for receiving in any other manner the profits of their labour; whether any and what provision is made to furnish such prisoners as need it, with clothing or pecuniary aid on their discharge; whether a physician is regularly employed to attend the sick; what provision is made for the instruction of prisoners; the number of prisoners in such penitentiary or jail at the end of the year, distinguishing sex and colour, in each class; the receipts of the prison, and the sources from which derived; the amount of expenditure, arranged under general heads, and so as to show the cost per diem of each prisoner; the personal property belonging to such penitentiary and jail, and the cash value thereof, together with any information which the said inspectors, *sheriffs*, or other persons having charge of said penitentiaries or jails, may deem useful.

SECTION 2. That it shall be the duty of the prothonotary or clerk of each and every criminal court of this Commonwealth, to transmit to the Secretary thereof, on or before the first day of February, in each and every year, a full statement, in detail, of the criminal business of said court, of which he is the prothonotary or clerk, for the year ending on the thirty-first day of the previous December, showing the number of bills laid before the several grand juries of said court, the number of bills returned "true bills," and the number returned *ignoramus*; the number of presentments made by said grand juries, the number of bills tried, the number of acquittals and convictions, the number of *nolle prosequies* entered, the nature of the offences charged in the bills or presentments, the number and amount of recognizances forfeited, together with any other information the said prothonotaries or clerks may deem useful.

SECTION 3. That it shall be the duty of the commissioners of each and every county in this Commonwealth, to transmit to the Secretary thereof, on or before the first day of February, in each and every year, a full statement in detail of the moneys paid out of the treasury of their respective counties for the support of any penitentiary or jail, and of the criminal courts of their respective counties, during the year ending on the thirty-first day of the previous December, designating the amount paid to grand jurors, petit jurors, witnesses, officers, and other persons; the number and amount of forfeited recognizances, the number sued out, and the amount received therefrom.

SECTION 4. That it shall be the duty of the Treasurer of this Commonwealth to communicate to the Secretary thereof, on or before the first day of February, in each and every year, the amount paid out of the State treasury towards the support of any jails or penitentiaries of this Commonwealth for the year ending on the thirty-first day of the previous December, designating the penitentiaries and jails to which money was so paid.

SECTION 5. That it shall be the duty of the Secretary of the Commonwealth to cause abstracts to be made from all said reports, and to lay such abstracts before each branch of the Legislature on or before the fifteenth day of March, in each and every year.

ART. II.—*Convict Immigration, under the new British Law of Banishment.*

[THE peculiar liability of the United States to the inroads of a criminal population of the worst kind, along with the crowds of really deserving strangers who daily land upon our shores, has long been a matter of unquestioned notoriety on both sides of the Atlantic. This state of things is well known to have been a favourite theme of ill-natured and sneering comment on the part of many indifferent, if not gratified, spectators in the old world, whose jealousies and apprehensions are alike relieved and satisfied by such a transfer from their own overburdened municipalities, to those of a growing and less contaminated rival. At the same time, it has not failed to rouse the most serious misgivings, to use no stronger term, in the minds of the thoughtful and observant lovers of their country here. The conductors of this journal have already adverted to this increasing evil in an early number. And, although not unmindful upon that occasion, of the charges of needless alarm and exaggeration with which such representations are usually met, they did not hesitate to suggest the importance of preventive measures, and took the opportunity to cite two cases, of then recent occurrence, out of many which might easily be given, in which atrocious crimes had been committed by foreigners, evidently old offenders, and but a short time expelled from their native land.

Evidence of the shipment of European convicts, as well as paupers, to American sea-ports, is on record, and we shall at another time produce it in an authentic form. We are aware, however, that instances of a wholesale imposition of this kind upon the good will and liberality of a confiding people are still comparatively rare. We must look to the individual cases—whose name is legion—for the confirmation of our worst fears. To say nothing of the demoralizing influence of these imported adepts in roguery, upon the unsophisticated

portion of our native population, as well as upon the already somewhat experienced votaries of crime, how can we hope for any material reduction, whether relative or not, in our criminal list? Leaving out for the moment, every other consideration, what faith can we put in the delusive history either of commitments or recommitments as the criterion of the preventive virtues of any system of penitentiary discipline, when we have before our eyes a source of embarrassment so fruitful and ever varying in character, too fatally inflicted on us by this expurgating practice of an overgrown community abroad?

These remarks have been suggested by the accompanying communication of a valued coadjutor in which he invites the attention of our readers, to what he forcibly entitles, "*An attempt to recolonize the United States by the government of Great Britain.*"

This is no other than a project of the British government, (more particularly described in the miscellaneous department of the present number,) which is calculated to render this country, what in derision it has been already called by foreigners, the Botany Bay of the United Kingdom; the place of exile for her convicts, whither they may be sent to prey upon and pervert our people to her advantage, and to our immeasurable injury. No one can be more ready than ourselves to welcome the honest and capable adventurer, who comes with willing heart and hand,—whether the latter be full or empty,—to seek a share with us in the untrammelled prosperity that well-directed industry may hope to win when exercised upon the vast and fertile region, within whose bounds it was our fortune to be reared. Still we do not hesitate to recommend a close attention to the credentials of the hordes that are swarming to our coast in a current that ever swells as it pours in upon us. And we most earnestly protest against any course which has a tendency however slight, to convert the thickly settled, but yet comparatively uninfected districts of our Union, into so many convenient receptacles, of the refuse of the European hulks, galleys, and penitentiaries, by mingling with the great mass of emigration this unmanageable scum of what are most significantly termed the "dangerous classes."

We feel that a measure of this kind would be a violation of the comity of nations, the more to be regretted in the present instance for the indirect and insidious form in which it is proposed to carry it into effect. But to begin with the communication, without further preface.]

Our readers are aware that, in the colonial history of America, numerous resolutions of the inhabitants of the several provinces may be found, complaining of the practice of sweeping the jails of the mother country and casting the rubbish on the vacant soil of the new continent, thus contaminating a scattered agricultural population by the unwelcome intrusion of the loathsome vileness and skilful villany of an old and densely peopled empire.

In the year 1779, the British government, finding it to be no longer possible to trust her convicts amongst a people now arrayed successfully in arms against her tyranny, took the first step towards her penitentiary system. The act of Parliament of that year, unfortunately for her welfare, remained a dead letter on her statute book—but in the preamble it is stated —“that whereas many who have hitherto been sentenced to transportation, might, if sentenced to solitary confinement with labour, be reformed,” and Penitentiaries were directed to be built in pursuance of this Act, thus legalizing and preparing the way for the separate plan as a national system. The present plan of that Government is to unite the separate system for the jails of the country with the subsequent transportation or exile of the convicts when discharged to countries remote from Great Britain.

For many years past, various governments in Europe have either connived at the escape or migration of their convicts and paupers to the United States, or have unscrupulously and insultingly sent them openly. Our government, with shameful apathy and stolid disregard of the welfare of our citizens, has long tolerated this grievous abuse of their hospitality. Our almshouses are consequently filled by foreign paupers; our streets with foreign beggars; our cities swarm with foreign pickpockets, burglars, incendiaries, forgers, and robbers; our jails contain many foreign felons, whom an experienced eye can at once detect as old convicts, to whom a jail is an accustomed home.

We commend to perusal the following passages from an able and interesting article first published in a southern paper, and evidently written by a thinker well acquainted with the bearings of this important question.

"The late Resolution of the British Government concerning the Punishment of Criminals."

"Emigration is the great law of expanding civilization. It has been so ever since she started in remotest times from the banks of the Ganges, steadily moving through thousands of years, in a northwestern direction, and no Government ought less to oppose it than ours; but every truth requires proper care and distinguishing discernment in its application, and the Federal Government of our Union has been far too careless, it seems, in the many cases of pauper importations, and occasional shameless and wholesale admissions of criminals from abroad. We trust the measure lately adopted by the British Government regarding convicts will attract more serious attention from our cabinet.

"Our readers are aware that Sir George Grey, the British Secretary for the Home Department, and Earl Grey, the Colonial Minister, have abolished transportation to New South Wales or any other penal colony, and substituted the following plan. The British convict is to be confined in a solitary prison for one year: then in a prison on the social plan, where he is to have the opportunity of earning wages, which shall be credited to his account, and, if he behave well, the Crown will make use of the pardoning prerogative after the lapse of two-thirds of the awarded imprisonment, on condition that the criminal expatriate himself, his wages to pay for the passage. He may, if he chooses, expatriate himself to a British colony. *But will he do so?* This is an important question for us.

"England turns out the annual number of about four thousand criminals. According to the new plan, four thousand individuals, well schooled and thoroughly trained in the arts of crime, are to be let loose—not upon the colonies, for they are too far, except Canada, which is a poor field for a thorough-paced criminal, who stands in need of a well-peopled and industrious country—but upon neighbouring countries. Now a criminal will prefer, as a matter of course, a country where his own language is spoken, where large cities offer a fine opening for his trade, where rapid communication can easily transport him from place to place over great distances, where he finds acquaintances, and where, above all, the institutions of civil liberty allow of a very limited preventive police only ;

where no passports, no gens-d'armes, no police registrations exist; and that country is, for the British felon, the United States. Are we to suffer such yearly influx of four thousand rogues?

* * * * *

"Our present duty is to consider the measure in its practical effect, and the means which practice gives us to ward off its baneful effects. If England has the right to adopt measures of internal policy without reference to their necessary effects upon fellow-nations of the great family of civilized States in the bonds of a common international law, we have the bounden duty to make use of our sovereignty so as to protect us without any reference to the inconvenience it may create in that country, or rather in order to create there such inconvenience that the measure may be abandoned. No one knows better than ourselves how transcendently difficult it is to settle what is to be done with the annual crop of punished criminals, how to reunite these diseased members to society; but we know, too, that one of the measures to get rid of them (exile) must *not* be resorted to. Exile and death are the clumsiest punishments always used in periods of a rude state of penal law in preference to corrective means. Banishment has long been stigmatized by modern penology as out of the question among civilized nations, and here we have an Administration which re-adopts it as a prevailing element in an entire punitive scheme. We trust they will retrace their steps and think better of it. In the mean time our Government must act and not allow the far more exciting events in Mexico to withdraw its attention from this invading army of annually four thousand well-drilled pick-locks, fighting under the banner of crime and infamy, against our persons and property—an army which invades like fever by stealth, and defies the stoutest cuirass.

"COLUMBIENSIS."

[It will be observed by those who have read the paper of "Columbiensis," in the South Carolinian, or in the National Intelligencer, from which we have taken it, that the passages containing the author's suggestion as to remedial measures do not appear in our quotation. They have been omitted on account of the political allusions which accompanied them and with which of course we can have nothing to do.

In a subsequent number we propose to relate the proceedings in the Senate of the United States, in relation to the subject of convict immigration. Meanwhile let us add to the

above extract from an American reviewer, the annexed remarks of an English commentator.

"The change in the system of punishment by transportation is one of the most important steps taken for many years. Convicts are no longer to be sent out in ship-loads, and landed on the shore of a distant country, to be something between freemen and slaves—with the chances before them, according to individual character, of rising to be among the most wealthy men of the settlement, or to sink to that 'lowest deep,' the penal colony at Norfolk Island. The dreadful condition of that place has compelled the government to change the system; no rulers of a Christian land could, knowing what effects it was producing, allow it to continue. The mass of crime we have hitherto thrown from us to the other side of the world—without much care what became of it, so it was out of sight—will henceforth remain within our own borders, rigidly watched. The necessity this will create for an enlarged system of prison discipline is evident. In fact, we are taking a step that assimilates our system to that of France, with its *bagnes* and *travaux forcés*. France has had no penal colonies; but criminals remain on their native soil; expiating their crimes, surrounded by, though separated from, the society they have injured. We are approaching the same system of punishment, and, without great care, shall eventually have to adopt it entirely.

"The question of punishment is one of the most difficult problems of a complicated stage of society. Men differ even as to its objects; all agree that it is necessary for the protection of society; but, beyond that, others add that it should be made an expiation for crime committed; others, again, that it is meant to reform bad habits and teach better—that the prison door ought to be the porch of an academy of moral improvement. But practically, the security of society has been, and is, the first principle of nearly all punishments; and, by their efficiency in this respect, they are judged. The present change in the transportation system is avowedly only an experiment; if it does not answer it will be given up; and we are by no means sanguine in our belief that it will finally succeed. The great difficulty is not in holding men safe prisoners between four walls. That, by material means is easily accomplished. But when the term of imprisonment ends, and the criminal is let loose again upon society, the peril to the community and to himself begins anew. This is severely felt in France; at the end of their terms of five, ten or twenty years of confinement at Toulon or Brest, the criminal is free again; *there, as everywhere else, the brand of degradation is upon*

him. Even if repentant and honest, which is an exceptional case, he can find no occupation, no employer; and he is driven to theft and violence in order to live as before. The most atrocious crimes in France are often committed by liberated or escaped *forçats*. They take refuge in Paris, and form the most dangerous element in what are called the 'dangerous classes' of that capital. They furnish at once the great terror and chief occupation of the police; and perhaps we have not sufficiently estimated the effect of watching this class of known criminals, dexterous and ferocious as they are, in giving that character of espionage to the French police system, which has been turned to such dangerous account by the government, in political affairs. The streets of the French capital are far less safe by night than those of London; and every one acquainted with French habits knows how late hours and certain quarters of the city are avoided. If any person reflects on what London would probably be, with all the convicts whose sentences are short of confinement for life set free as those sentences expire, to roam this vast city, as thorough outcasts as any Italian banditti, and quite as desperate, he may form a faint idea of how much peace and good order we owe to our convenient depots for criminals at the antipodes. Set at liberty there, a new country and a wide sphere absorbed them: comparatively but a small number returned to England: the convict ship with its dark freight once on the ocean, the crime and criminal were alike lost and forgotten.

"But this security was purchased at a heavy price; we cannot, at any risk, continue the system: what is to supply it?"

"We are trying to blend the plans of imprisonment and expatriation: close restraint, with labour, and the application of a rigid prison discipline is to be a probation through which all criminals must pass. The working in the stone quarries of Portland is but a continuation of that employment of convicts in our Naval Arsenals, which is completely French. And after their term is thus worked out, the French difficulty occurs in all its force—what is to become of the criminal? It is useless to let him loose on society, it will not receive him; generally his last state is worse than his first, and it is morally certain he will return to the world only to prey on it. The remedy at present suggested is a kind of enforced emigration; he will be assisted to reach another country, but England he must leave. It is, in fact, the old practice, now long disused, of banishment. We do not think it will succeed; it will involve us in endless troubles with our own Colonies; perhaps, with foreign countries; for, once out of England, the liberated convict may apparently roam where he pleases. But we cannot *here notice half the difficulties that suggest themselves.* Shall

we not be obliged to import another French practice, as yet unknown to our law—that of *surveillance* by the police? It keeps a check over criminals for a long term after they are liberated; but we have not the machinery for carrying it out, nor would it be liked by the people at large, who would suspect its tendency. The question has not yet taken a shape definite enough to warrant an opinion; but we fear we perceive the germs of failure in it. It is comparatively easy to render our Prison Discipline all that can be wished; there is something beyond it, far harder to deal with.”—*London Paper*.

We have no idea that this system of conditional pardon and expatriation will be persevered in for any length of time as an available substitute for the no less objectionable and inefficient expedient of transportation. There are too many difficulties in the way of any protracted attempt to carry it into active operation. Nevertheless, the chances are, unhappily for us, that the failure of this bold experiment will not become sufficiently apparent to its original projectors, until at least our larger cities have been thoroughly infested, or until we have been driven into a resort to some unpalatable alternative, perhaps the very machinery of an inquisitorial police, in the shape of passports and espionage, which seems to be regarded by the English writer with an aversion equal to our own. Passports and all other restrictions upon free intercourse, are rapidly passing away before the advance of liberal principles and true views of international policy, even on the ground where their retarding influence has pressed most heavily and hopelessly; and we would regret indeed, to see the necessity arise amongst us at this late day, that might afford a plea for the introduction, as a safeguard to our civil rights, of these vile inventions of the centralizing and distrustful selfishness of the worn-out governments of a despotic age. The British ministry strongly deprecate the notion that this forced migration of their convicts “was to be considered as a part of the punishment; it would, in fact, secure to the reformed culprit a field of exertion in which he would begin with a new character. Excepting in the fact of an exclusion from the United Kingdom, the prisoner would be absolutely free.” Thus, do they with a *singularly self-complacent* sweep of their sword of

justice cut the Gordian knot of the great question of penal jurisprudence, in a manner that must be particularly agreeable to themselves as well as to the recipients of their self-denying bounty. Their easy mode of manufacturing "a new character" cannot fail to meet with the cordial approbation of every fugitive from justice, who has all to gain and not a thing to lose by such a change of sphere; since it accords so well with the time-honoured practice of these gentry of their own accord. There are few veteran offenders who would not be willing to spend the full length of term proposed, at moderate labour in comfortable quarters, with the subsequent opportunity of extending their professional acquaintance, perfecting their various plans, and finally securing a passage paid to a fresh field of action without delay at the close of their confinement. Seriously, we would be far from advocating the refusal to extend a helping hand to a really reclaimed and repentant child of error, whether alien or domestic. But apart from the notorious improbability of such a moral change in the thrice-hardened outcasts of the British prisons as they are, what can we expect from a reformatory discipline of eighteen months' duration, however well conducted, when the effect supposed to be produced is effectually undone by the contamination in the galley-labour gangs upon the public works, which invariably succeeds the probationary schooling of the cellular prison, before the subject of this varied process is finally ejected from the soil that gave him birth, and perfected him in crime?]

ART. III.—*Mr. G. Sumner's Letter on Prison Discipline in France.*

IN the early part of the present year, the Philadelphia Society for Alleviating the Miseries of Public Prisons, republished a very interesting and highly valuable letter written by Mr. George Sumner, in Paris, to the Hon. Josiah Quincy, Mayor of Boston, Massachusetts.

A preface was attached to it by the committee on publication of the Society, which contained not only the laudatory

comments due to the highly esteemed character and labours of the writer, but also a few brief suggestions, which we have reason to believe were, at least in part, misunderstood by our zealous fellow-labourer. We submit to our readers the following letter from him, together with some comments, which we offer by way of explanation.

To the Acting Committee of the Philadelphia Society for the Alleviation of the Miseries of the Public Prisons.

GENTLEMEN,

I have just received a copy of the reprint of my letter to the Mayor of Boston, on the effects of the Separate System of Imprisonment in France, which you have done me the honour to publish in Philadelphia. At the close of the "Prefatory Statement," written I presume by some member of your committee, I find the following remarks, to which I beg to call your attention. "Mr. Sumner's letter is republished without abridgment or alteration, in order that no injustice may be done to his sentiments. There are some phrases and allusions which can apply to none of our penal institutions, and some views incidentally expressed, with which we may not fully coincide, and some errors of fact (we think), not material however to the main subject in hand. If any expression in the letter can be construed to favour the idea, that convicts are to be exempted from the painful privations, which render their imprisonment a grievous burden to themselves, and a terror to others, we do not adopt it. We have no sympathy with the morbid sentiments of a philanthropy, that provides better fare, and higher privileges for the condemned transgressor, than the honest and industrious citizen at large can enjoy."

I cannot but regret that the same desire to do "no injustice" to my sentiments, which secured the republication of my letter without "alteration," had not induced the writer of these remarks to refrain from charging me, by implication, with opinions and sentiments which are not mine, and which, if I know the value of the language I have used, nothing in the letter recently published by you, nor in anything else that I have ever written, can justify.

Of all the sentiments connected with the great questions of Social Organization, there are none more foreign to my nature than those of morbid philanthropy, and none, as it seems to me, more fatal to that progress, in aid of which they are so often invoked.

In my letter to the mayor of Boston, I have not undertaken

"to discuss the question of the treatment of condemned transgressors." That letter had a special object in view, viz., to urge the necessity and feasibility of the general adoption of the separate system, for the prisons in which those suspected of crime are detained while waiting trial,—the "houses of detention" of the Livingston code. In describing the French *maisons d'arrêt*, I did not dwell upon the privations of that small portion of their occupants condemned for misdemeanors; I sought rather to show the treatment of those who had not yet been tried. The picture which I have drawn of their position, does not probably convey the idea of "painful privation" and of "terror." The French administration appears to have remembered that in the eye of the law they are innocent,—and that, until crime is proved, *punishment* ought not to begin. Social necessity requires of the suspected citizen, the temporary sacrifice of his liberty,—but justice demands that this sacrifice should be made as light as is consistent with security and morality, while, at the same time, it requires that he should be protected from all degrading influences, and that he should not be exposed to the opportunity of either taking, or giving lessons in crime. The experience of enlightened governments has shown that in no way can this be accomplished, but by the adoption, for houses of detention, of the Separate System. The suspected prisoner once convicted, his position changes, and the severer rights and duties of society begin.

I could have wished that the "phrases and allusions in my letter, which can apply to none of our penal institutions," and that its "errors of fact," to which the writer of the prefatory remarks alludes, had been specifically pointed out, inasmuch as without this, to some minds, an air of distrust may rest upon the whole, and thus any good effect which it might otherwise produce be destroyed. If the supposed errors of fact be in the extracts which I have given from the French correspondence, I am at a loss to understand upon what authority they can be so regarded, inasmuch as this correspondence is entirely inedited, and has never, I am assured at the Ministry of Interior, been communicated to any stranger but myself. I cannot flatter myself that my letter is exempt from error, but I may be pardoned, when thrown upon the defensive, for saying that it was not hastily written, nor until after a careful observation of the penal institutions of my own country, the indispensable basis, as it seems to me, for a just appreciation of those of other countries. Such as my letter is, it was a conscientious tribute to the superiority of that system of imprisonment, the general adoption of which is due in so great a degree to the *intelligent labours* of citizens of Philadelphia.

I venture to hope, gentlemen, that you will consider it only

an act of justice to me, to give this letter the same publicity that you have given the 'prefatory statement' to which I have thought it my duty to allude.

"With sentiments of esteem, I have the honour to be, gentlemen, your obedient servant,

"GEORGE SUMNER.

P. S. You will be gratified to learn that the bill extending the separate system generally to *all* the French prisons, *including the galleys*, was presented a short time since to the Chamber of Peers. An official copy of this *projet de loi* I have already sent to your society. The discussion will take place probably during the coming fortnight, after which I shall do myself the honour to communicate to you the printed report of the debates.

"Paris, May 10th, 1847."

We are gratified to find in this letter, what we were inclined to infer from some knowledge of the character and cultivated intellect of our worthy correspondent, that "the sentiments of a morbid philanthropy" are expressly disclaimed by him. In the concluding introductory remarks to which he adverts, we did not mean to assert that such sentiments were actually implied by any of his language. It was thought advisable, however, to put our readers on their guard against an erroneous view of the objects of penal discipline, which has lately been making some inroads upon what we conceive to be the proper doctrine. We allude to the perverted view which regards all criminals as the victims of circumstances or of moral insanity,—abused and afflicted creatures, whose "misfortunes" deserve our active commiseration, and should not be aggravated by the cruelty of further privations, but rather soothed by gentle attentions and luxurious accommodations, denied to the great mass of honest society, whose innocence alone excludes them from such sympathy. That Mr. Sumner coincides with us in opinion, we rejoice to know, but we feared that his description of the comforts and luxuries of the *Maisons d'Arrêt et de Justice* (which correspond nearly to our county prisons as to the classes of prisoners received into them, viz.: the untried and those found guilty of minor offences), might be misunderstood; we knew that it had been

so misunderstood, and therefore warned our readers without charging Mr. Sumner with these views as to the latter class of culprits. Certainly when the term of imprisonment is *short*, it should be rendered impressive and repulsive by the absence of some of those comforts and alleviations which, when the term is long, are expedient, if not indispensable. That Mr. Sumner has not been as explicit respecting that small portion of their occupants "condemned for misdemeanours," as was perhaps desirable in the present somewhat unsettled state of the public mind, we think his remark in his second letter may be received as some evidence in support of the propriety of our former remarks accompanying his first letter.

We also said, "that there were some errors of fact (we think), *not material to the main subject in hand*," in that letter; for instance, in page 13 it is stated by the writer, "that it was by the order and under the eye of an infallible Pontiff, Clement XI., that the *first* prison on the separate system, the St. Michel's house of correction for young offenders, was built at Rome by the architect Fontana." Now without indulging in hypercritical remarks on the question (mooted even among Roman Catholic believers) of the infallibility of the Pontiff, respecting which we have no concern in this connexion, we must be permitted to observe that Mr. Sumner is in error in supposing that the young offenders were in separate confinement, except at night. The system at St. Michel's was the silent, and not the separate system.*

We regret that Mr. Sumner should for a moment imagine that the committee intended to attribute to him any material errors of fact, or to express even the suspicion of important errors of any kind in the extracts he has given from the French Correspondence. Least of all was it our purpose to cast discredit on his clear and forcible presentation of them. That the extracts have been correctly and faithfully rendered by him we take for granted as a matter of course. The reputation of the translator for diligence and accuracy places him above the necessity of commendation from any person here.

The feeling under which we acted in hinting the probability

* This a member of the committee endeavoured to explain in a pamphlet on the separate system, published eighteen years ago.

of unimportant errors of fact—and for the promptings of which we trust the occasion will excuse us—was an apprehension that in giving the history of such extraordinary success under the still infant and comparatively limited administration of the separate system in the French houses of detention, correspondently extravagant expectations would be raised, which a longer, more extensive, and perchance more sober experience, would not be likely to fulfil. It was our fear, under the recollection of much perplexity from similar causes in this country, that the enthusiastic zeal which sees nothing but astonishing results at the outset of a reform so full of brilliant promise, would run the risk of impeding its own progress by creating unreasonable obligations, if not securing future disappointment. Under this impression, we were induced to “think” that some of the glowing pictures of improved health, unparalleled exemption from mortality and insanity, and admirable intellectual and religious advancement, might be regarded by the critical observer as somewhat overdrawn, and calculated to repel rather than invite his confidence. The committee, therefore, in procuring the immediate and extensive circulation of Mr. Sumner’s communication at the expense of the society in behalf of which they acted, did not feel at liberty to make that society responsible for the matter-of-fact accuracy of all the conclusions it contained, although they were equally unwilling to doubt the sincerity which dictated these throughout.

NOTICES.

Wyman on the Ventilation of Prisons.

IN a work published at Boston, in 1846, entitled, “A Practical Treatise on Ventilation, by Morrill Wyman,” the thirteenth chapter is devoted to the ventilation of prisons and hospitals. We insert his remarks on the Auburn and Pennsylvanian plans, for the purpose of rendering our criticism on them more intelligible. The italics are our own, as well as the notes at the bottom of each page, signed G. W. S.

"In this country, the prisons are constructed and managed in a great variety of ways. The two principal modes are those after the Auburn system and the Pennsylvania system. The distinctive characteristics of the former are, that there is supposed to be no communication between prisoners, except with regard to their work in the shops. During the night, each prisoner occupies a separate cell. In the latter, there is supposed to be not only no communication between the prisoners, but they are never allowed to see each other. Each prisoner occupies a separate cell, both day and night, and at certain times only is allowed to amuse himself in a small exercising-yard connected with his cell. His cell is thus made 'his work-shop, his bed-room, his dining-hall, his water-closet, his chapel,' &c.* A third mode of confinement is found throughout the country, but is most frequently met with in the jails, in which each cell contains many prisoners, and usually without employment.

* * * * *

"Of the prisons upon the Auburn plan, we may take that at Charlestown as the type. This structure is double, constituting in fact, a building within a building. The outer building is about two hundred feet long by forty feet wide. Within this building is a centre wall, two feet in thickness, on each side of which the cells, three hundred in number, are arranged. This wall, with the cells, forms a block, leaving a corridor between it and the walls of the outer building, ten or twelve feet in width. The walls between the cells are one foot in thickness; those between the cells and the open area or corridor, in which are the doors, two feet. The cells are seven and a half feet long, seven feet high, and three and a half wide. The only opening from the cell, except the ventilator, is the door, in the upper end of which is the iron grate, about eighteen by twenty inches. The bars of this grate are round iron, three fourths of an inch in diameter, placed about two inches asunder, leaving orifices smaller than a man's hand. Through this grate all the light, heat and air are admitted to the cells. The ventilator, which is about three inches by four, extends from near the ceiling at the back of the cell to the attic, where several unite in a common chimney, through which the foul air is supposed to escape into the open atmosphere. In some prisons upon this plan, it is said the flues terminate in the attic, from which the vitiated air escapes by one or more openings. The area or corridor around the cells is open from the ground to the ceiling, in front of four stories of cells. The different stories are gained by flights of steps at either end, from which any cell may be reached by a gallery three feet in width, and extending from end to end of the block.

"There are no windows in the wall of the outer building opposite the lower range of cells; but above, on this plan, it is intended that there shall be a window opposite each cell.

"This prison is warmed by four anthracite coal stoves, one of which is placed in each corner of the corridor. These are sufficient, it is said, to keep the corridor at an average temperature of 60° for the greater part of the winter.

"The ventilation is supposed to be determined through all the cells, and up the ventilators. No distinct provision is made for the admission of fresh air, or for warming it as it enters, or for any moving power to direct the air through

* This is not correct. Many of the prisoners have two cells, one of which is exclusively used as the workshop, when the nature of the work or occupation requires.—G. W. S.

the flues. The action of such a system, when it acts at all, will probably be, that the air near the ceiling, and consequently in the upper story of cells, will be very warm, and the lower story uncomfortably cold. Another and not less unfortunate point in the working of this system must be this: when the doors and windows are closed, as they are in cold weather, and the air in the corridor is heated, it will rise to the top and escape through the ventilating flues into the attic or common chimneys; but, instead of escaping into the atmosphere, a part may be drawn down through the other flues, which communicate with the lower range of cells, and again find its way through these cells into the corridor, to supply the partial vacuum which has been there produced.

"In the summer season, it is understood, that practically, this system of ventilation, if such it can be called, is, as we might readily imagine, utterly insufficient. During the summer months, especially in July and August, after one or two hot nights, the number of patients in the hospital is much increased. Their symptoms are a dull headache, dizziness, sometimes so great as to make them reel in attempting to walk, a sense of heaviness in the head, suffused eyes, coated tongue, loss of appetite, and a quick pulse; to these are also added prostration of strength and diarrhœa. These symptoms are soon removed by sleeping in the hospital, rest, and simple medical treatment.*

"The difference between the theory and practice of this plan of ventilation may be seen from the following extracts. 'The cells of the reformed prisons have permanent ventilators extending from the rear of the cell to the roof of upper loft. They have also doors, consisting wholly or in part of an open grate, that the pure air may have free access from the arca, while the impure air escapes through the ventilator in the rear of the cell. And this area, from which the air is admitted into the cell, is ventilated, in some instances, with as many small windows as there are cell-doors; and in others, with a sufficient number of large windows and skylights; so that, on the whole, there are *few sleeping apartments to be found more thoroughly ventilated* than the solitary cells in the reformed prisons.†

"'This mode [by flues opening at the tops of rooms] of ventilating the Auburn prisons has been too long attempted not to furnish experience in abundance of its inadequateness. It is certainly better than nothing, but that is all the praise which can be justly accorded to it.‡

"It is said, these ventilators are so uncertain in their action, that in some of the Auburn prisons they have been closed. If this be so, it is certainly much to be regretted that those who, from their position or office, are supposed to be most interested in the improvement of prisons, instead of adopting this course,

* These effects of deficient ventilation were first pointed out to me, while attending the hospital practice of the Massachusetts State prison, by the surgeon, Dr. William J. Walker. The present surgeon, in his last Report, has also called the attention of the proper authorities to the deficiency of the prison in this respect.

† Eighth Report of the Board of Managers of the Prison Discipline Society, Boston, p. 97.—Compare this statement with the Report of the Surgeon of the Massachusetts State Prison, for 1846.

‡ Dr. Bell's Letter to the Mayor of Boston, on a Plan for a new City Prison, p. 9.

had not learned and added those simple means which science and experience have proved adequate to produce a very good degree of ventilation in prison-cells.

"In the new penitentiary at Philadelphia, the same system of flues is provided for ventilation, but with some difference of arrangement. There are several holes about three inches in diameter near the floor of the cell, passing through the wall into the exercising-yard, and several small, angular flues passing off through the wall between the cell and the passage, about ten feet above the floor. The mode of heating in use is Perkins's high-pressure system, a pipe passing through each cell; some modifications have been recently made, but there is no separate moving power for ventilation.* We are not surprised to learn from the reports of the Prison Discipline Society, that 'the air is confined in the cell.'"—*Vide* chap. xiii. p. 264 to 269.

In the preceding extract, there are some important errors. We presume of course that Mr. Wyman has never seen this penitentiary, but has received his information from the reports of the Boston Prison Discipline Society, whose incorrectness in relation to their own prison at Charlestown, he has himself so well proved. In the first place, "the same system of flues" is not provided at Philadelphia. The flues and other arrangements differ materially. Not only are they *more numerous and much larger*, both for the introduction of fresh, and the discharge of foul air, but they are continued from the top of each cell; not into the corridor, as might be perhaps inferred from the description by Mr. W., but by a separate flue or lofty chimney, into the open air. The evils of regurgitation of foul air, so we described by him as existing at Charlestown, cannot therefore occur. If these were *all* of the means provided, the mode of ventilation for each cell containing but a single prisoner, would be at least equal in degree, and precisely similar in kind, to the apparatus which Mr. W. had himself, in the chapter *immediately preceding* that under our notice, *approved* as adequate for a school-room, containing of course a large number of children, who require, it is well known, more pure air for their health than adults! But these are not all the means provided with us. The window in each cell is placed in the form of a skylight *at the top of it*, and can be opened at the pleasure of the prisoner; the two lattice doors of the cells, when kept open, as they frequently are, admit vast quantities of fresh air; sometimes, indeed, producing currents too forcible for health.

For summer ventilation, therefore, here is all the apparatus which the best private houses in the country contain; viz.: a separate

* Report of the Pennsylvania Penitentiary for 1845, p. 36.

chimney or flue to each room, two doors opposite to each other; one of which also admits light; several apertures near the floor, or in some cases one very large aperture, leading directly the fresh air from the garden into the room; to which we must add a skylight with moveable valves, which few, in fact scarcely any, private rooms are provided with.

In winter the system of hot water pipes in each cell do constitute "a separate moving power for ventilation," which Mr. W. very strangely denies, citing the Report of the Inspectors of the Eastern Penitentiary, as if this assertion were contained therein. We have this report now before us, and shall give the extract, that the reader may determine this point himself.

"In consequence of a simple, but important alteration, directed by the Warden, the old furnaces, which formerly gave great trouble by their occasional inefficiency, were managed last winter with gratifying success. The temperature was so much improved in the greater number of the cells, as to allow their occupants to enjoy a summer ventilation by leaving the skylight always more or less open to the air. Another valuable improvement introduced by Mr. Thompson, is the substitution, in several of the cells, of solid and water-proof composition floors, at a greater distance from the ground, in place of the old and low plank floors, so many of which have been and still remain, constantly damp and offensive from decay. The new floors are durable, easily constructed, and not offensive, and, from their impenetrability, can absorb no moisture or effluvia. Their greatest advantage, however, consists in the elevation of their surface above the hot water pipes, so that the latter can be shut entirely out of reach in a sort of trough, by which they pass from one side to the other in the lowest part of the cell. This trough communicates by means of the old flue with the outer air, and is covered in with perforated iron plates, through which a current of warm, fresh air is constantly flowing into the cell above. In this manner has been secured to the prisoner a hot-air chamber and ventilating system of the best kind. On every account, therefore, the new floors are preferable to the old, and if covered with coarse carpeting, or, with what is better, a layer of thin boards thoroughly saturated with linseed oil, in the manner recommended by Dr. Varrentrapp, of Frankfort-on-the-Maine, would admirably attain the end desired. The opportunity was taken also by the Warden, during the progress of these necessary repairs, still further to secure the purity of the air in the improved cells, by the introduction of an outer cylinder enclosing the water closet, and provided with an air-tight lid, and a small air-tube by which all unwholesome exhalations should be carried off through the flue in the upper part of the arch above."—*16th Annual Report of E. S. P.*, p. 36.

Mr. Wyman proceeds to remark in conclusion on this prison, that he is "not surprised to learn from the reports of the Prison Discipline Society (of Boston,) that the air is confined in the cells." A visiter to the *Eastern Penitentiary* cells, may of course sometimes

perceive in them a closeness of air, or unpleasant odours, or dampness, as he may perceive them, at certain times, even in many of the best designed and constructed private houses. When, for instance, the inmates neglect to open the doors, or windows, or flues ; or, when these are opened, if the occupants be filthy in their persons or apparel—when the rooms have been recently washed and are therefore damp,* or when occupied by shoemakers, weavers, painters, and other workmen pursuing occupations necessarily producing offensive odours—when the inmates happen to be labouring under certain diseases or infirmities ; and especially if they be negroes. The coloured prisoners absolutely require for the preservation of their health more fresh air than the Caucasian race, yet they almost invariably, unless closely watched, will obstruct the flues designed for ventilation, and thereby breathe a foul atmosphere, to the almost certain injury of their health.

In the first volume of this journal, in the third number, pages 282, &c., and in the fourth number of the same volume, pages 339, &c., we have made some remarks on the defects in the system of warming and ventilating prisons on the Auburn, as well as the Pennsylvanian plan, to which we would refer the reader.

We agree, however, with Mr. Wyman, in the opinion expressed by him in several different parts of his work, now before us, that some auxiliary power should be applied in the ventilation of buildings, especially of prisons. Even when these are in this respect equal to private houses it is not sufficient ; for confinement is depressing in its influences on health ; the prisoner has but little change of scene, or of air, or of employment ; his health, even when first admitted, is in general impaired, in consequence of his previous habits ; the coercion and restraint to which he is subjected, and the absence of many cheering circumstances, which surround persons not in confinement, are certainly not favourable to his health.

As change of air, which is believed to be beneficial to health, is impracticable, every effort should be made that the air of his cell should be as pure as circumstances will permit, and that it should be replenished in such manner, and at such temperatures, as may prevent the chilling and deleterious effects of draughts. This can be accomplished only by a *forced* ventilation, one on which we can rely not only for nine-tenths of the days in the year, but at all seasons and times without intermission. Such a method has been

* The reader is requested to refer to the extract from the Report of the Inspectors for 1845, cited in this article.—G. W. S.

adopted at the county jail in Reading, the capital of Berks County in this State, (see description and engravings in the third number, Volume Second, of this Journal,) a method resembling that at Pentonville, with some improvements, which are of paramount importance in a prison, viz., the arrangement of the flues in such manner as may prevent the passage of articulate sound and communications among prisoners.

"We wish it to be distinctly understood that we make no objection to the system of flues. No ventilation can be carried on without a proper channel for the introduction of fresh air, and another for the removal of that which has been vitiated. The point we wish to urge is this, that it does not necessarily follow, because a cell is furnished with flues, that there is always a strong current through them, or even that they act at all. We feel confident that there are seasons in which they have no effect whatever,—in which they are utterly useless for the purpose intended. Neither would we wish to deny, that, at the time when visitors usually enter the cells of a prison on the Auburn plan, when the prisoners are at work, the *night-buckets* removed, everything clean, and the windows opened, there may be nothing offensive to the smell. But we believe the flues have very little to do with this state of things, or in preventing an opposite state of the air in the night, when the prisoners and their buckets are in the cells, and the windows closed. Still, we would not have the flues filled up, and we should be sorry to see a prison built without them,—not for the good they have done or are now doing, but for what they may be made to do by adding to them an efficient moving power. While a prison is building, they can be constructed with very little, if any, additional expense, the saving of materials counterbalancing any little extra care in forming them. After a building is once finished, especially a prison, it is very difficult to introduce them in any place without great expense and trouble.

"It is a common impression, that a room should be large to be well ventilated. It has been remarked with regard to the prison-cells, that, if they were larger, much less inconvenience would be experienced. If the remark is intended to imply that a larger room will hold more air, and will consequently require a longer time to become equally vitiated with a smaller room, it is no doubt true. But if it is meant that the larger room can be more easily ventilated, a little consideration will show that this is an error. All that is required for the most perfect system of ventilation is, that the air shall be pure, properly tempered in heat, moisture, velocity, and not a second time presented to the organs of respiration. These conditions of the atmosphere could be produced in a room containing one hundred cubic feet as well as in an Auburn cell, which contains twice as many cubic feet. It is true that it cannot be accomplished by *spontaneous ventilation*, nor without an active moving power; but with such a power it can be done constantly and effectually.

"Either of the two modes we have pointed out could be adopted for producing a constant and equable movement in the air of the cells. If the corridor were made tight, with double windows, or in any other way, so that no air could escape from it except through the ventilators of the cells, and this corridor were *flooded with fresh air properly tempered*, which we have shown can be done by

a properly constructed fan, the point will be attained. It will also be equally attained by connecting all the chimneys in one large trunk, through which the foul air may be conducted to the base of a chimney-shaft, either upon the building or upon the ground, in which there is a sufficiently powerful draught. Which of these two plans would be most advisable must depend upon circumstances."—*Ibid.*, p. 270 to 272.

Then follows an account of the warming and ventilation of the Pentonville prison, with which our readers have been already made acquainted.

"In the foregoing account of the English model prison," continues our author, "we have followed strictly the Report made to Parliament after it had been in operation two years. We cannot, therefore, doubt that the arrangements will continue to answer the purpose intended: neither have we any doubt that the same plan would be found equally successful in New England, with some slight modifications. Those which will probably be found most desirable are in the heating apparatus. The changes in temperature are greater and more sudden in New England than in England or the Canadas, and we should find it next to impossible, with an apparatus like that described, to keep the temperature of the cells within the limits shown in the preceding tables.* The kind of apparatus to be added is that which can be brought into action quickly, and as quickly withdrawn, leaving the regular and steady supply of heat from the hot-water pipes for all ordinary occasions. These requisites are most easily met by the use of steam. If a separate boiler, with a steam-pipe extending through the same spaces in which the hot-water pipe is placed, were provided, and situated near the first boiler, the two could be conveniently attended by the same person, and brought into action as soon as required. It may be a question with some, whether steam would not in all cases be the best vehicle for heat, instead of hot water; we regard it, however, as a sufficient and a decisive reason for the use of hot water, that the temperature should be beyond the influence of any irregularity in the attendance on the fire. By the arrangement proposed, whatever little irregularity might occur in the management of the steam-boiler, it could not affect the cells beyond a certain point; the hot-water system would, under such circumstances, prove a regulator.

"As the windows are fixtures, there can be no objection to the use of double windows, or, if they are not fixtures, of making them double in winter. It is also a question, whether some substitute for a double wall, in the construction of the cells, may not be introduced without weakening the structure, and at the same time afford additional security against communication between the prisoners.

"We are satisfied, from what we have seen and heard of our prisons, that the officers are not sufficiently aware of the effect of deficient ventilation upon health, or of the imperfection of the mechanical means by which ventilation is usually attempted. It is highly important that they should learn the *principles* of the art; and it is only through the influence of a knowledge of these principles

* We have reason to believe that those limits are too contracted; the temperature not being high enough to protect the occupants from the effects of cold.—*Ed.*

that we can hope that those who have the charge of prisons will be induced to bestow upon any system the attention necessary to produce a uniform and satisfactory result."—*Ibid.*, p. 292 to 294.

In a former number of the Journal we gave a full report of the arrangements at Pentonville, to which we refer the reader, requesting him to consult the plans above mentioned of the Reading Prison, which will illustrate it. In the work of Mr. Wyman, he describes the ventilation and warming of the former prison in a very intelligible and satisfactory manner, and we take much pleasure in recommending it for perusal to our readers. The work relates to ventilation in general, although we have confined our remarks to the chapter on prisons. The style is clear and exceedingly graphic: the engravings or woodcuts numerous, well designed, and amply sufficient for illustration.

The subject is in general well treated, and although many prior champions have been in the field, the author has contrived to obtain some new information, and has given a number of details from works not accessible to the majority of readers. We trust that the encouragement to which he is entitled may induce him to continue his labours in another volume devoted to the heating apparatus of buildings, which we are happy to hear he is ready to commence, if the public desire.

We hope that in the next edition Mr. Wyman will reconsider his remarks on the ventilation of school-houses and churches; which are certainly not orthodox, nor even consistent with other doctrines well expressed in other parts of his work. For instance, he states that churches in winter *require no ventilation whatever*, unless when crowded! We trust that the congregations are not meetings where two or three have assembled together. A congregation of the average size certainly requires more fresh air than we have ever found in any church in the United States.

E. S. Penitentiary, Physician's Report for 1847.

ACCORDING to promise, we resume the consideration of this able and interesting document. Dr. Given's account of the health of the inmates generally, was, our readers will recollect, as favourable as could be desired of any similar establishment. It was just such an

we had reason to expect under his faithful and intelligent administration, and with the means at his command, however insufficient the latter may appear when compared with those afforded by the present much-improved state of prison architecture in some other places.

"The diseases," says Dr. G., "for which I was called on to prescribe were, for the most part, of an exceedingly mild and tractable nature. In only one case did I feel the slightest anxiety on account of an acute disease; and the danger in that instance was entirely owing to the prisoner's own imprudence."

As usual, the serious and protracted cases were those of chronic incurable disease, an average proportion of which terminated fatally within the year. The most important details of these fatal cases are presented by the report, in the tabular form adopted the preceding year. We are unable for want of room to quote these tables, and must refer our readers to the report itself, for the information they convey. Three of the cases thus detailed are described somewhat more at length as peculiarly unfit subjects for the discipline of a penitentiary, on account of insanity and constitutional ill-health combined, at the time of their admission. And a fourth case is referred to as that of a recommitted prisoner, who had been mentioned in a previous report as having been pardoned in such ill-health that he was supposed to be incapable of living out his sentence.

The first three were mentioned in the last year's report, as having been received in a condition so unpromising, as to lead to the prediction of their early death. This prediction has been verified in their decease, one after the other, of very similar complaints, each one aggravating his illness, and increasing the difficulty of treatment, by the vagaries of the insanity which was most probably the cause of his committal. These cases are particularly mentioned, in order to illustrate the fact to which the reporter calls attention—and which certainly is of the gravest importance—that the penitentiary has to bear the odium of the mortality of an insane asylum, to which the deranged and dying are sent for treatment, in addition to that of an ordinary prison, intended only for responsible transgressors. It will be as well perhaps, to extract the brief histories of these unfortunates, given in the language of the report itself. They will speak more emphatically than any comments that we can pretend to make upon them.

"The first of these, No. 1940, (a mulatto female,) notoriously insane for a number of years, entered the Institution with unequivocal symptoms of the disease of which she died. During the first few months of her imprisonment, the attentions of the kind and intelligent Matron, and the hygienic remedies pre-

scribed, produced such an improvement in her health as to give hopes of indefinitely prolonging her life; but contrary to repeated warning, she persisted, when unobserved, in washing the floor and furniture of her cell; and from the damp thus produced, other symptoms supervened that materially influenced the original disease. This was an instructive case. In connexion with others of the same nature, it proves the happy influence exerted on pulmonary symptoms by a residence in the gallery cells; it also shows the importance of a recommendation made in my monthly Reports, that washing the cells should be prohibited, and dry scrubbing substituted.

"On reception, the emaciated body and scrofulous glands of No. 2026 (the second of the three prisoners above alluded to), suggested his immediate removal to the Infirmary, where it is probable he might have lived until the expiration of his sentence, had it not been for the peculiar nature of his hallucinations, which led him, notwithstanding the humane solicitude of his nurse, to refuse all food but bread and water, and to make the naked floor his only bed. During the last weeks of life his mind became comparatively restored, and we had the satisfaction of seeing him thankfully enjoy all the comforts with which we could surround him.

"The last of these pitiable creatures, No. 1964, made an attempt on his own life before he was committed to prison, and during the first months of his residence here we were obliged to keep unceasing watch to prevent the accomplishment of his design. When all other means of self-destruction were withheld, he attempted to effect his purpose by refusing to eat; and even after the suicidal propensity passed off, he frequently objected to take food of any kind, alleging it either to be poisoned, or to be the body of his little son, to whom he was much attached. We were therefore often compelled to inject food into his stomach to prevent him from dying of inanition. Tubercles existed in his lungs, but not in so forward a state as to have caused his death; and, as no other physical lesion could be detected, he may truly be said to have died of insanity."—p. 47.

With regard to the other persons who died within the year, we are referred for information to the table. "Suffice it now to say, that of the whole number, nine were more or less diseased on admission, seven had led intemperate lives, six were serving a second, and two a fourth imprisonment."

We have often had occasion to allude to the too-well-established fact that the mortality in prisons is in a great degree the result of tubercular disease. We are aware that phthisis is the scourge of the needy and the dissolute out of prison as well as in it; and we are thoroughly convinced that a large amount of disorder of that kind is annually introduced into every metropolitan penal or pauper establishment. Still we are far from being certain that much of that which proves fatal in the former, is not due to the influences naturally at work in all such places. "Reference to the table will show," says Dr. G., "that the diseases which proved fatal were those which in most instances cause the mortality in all similar institutions, and are well known to have been the opprobrium of medicine since its earliest dawn; and even the light and experience of the present day have not, in the opinion of experienced men, added a single hour to the consumptive patient's life, save what is owing to hygienic precautions. If the diseases," continues he, "which for the most part prove fatal in prisons are known to be almost irre-

diable in their nature when once fully established in the system, but susceptible of prevention by hygienic arrangements, how incumbent is it upon the legislator and philanthropist to attend to the dictates of experience in the construction of all penal establishments, no matter what mode of discipline they adopt, knowing that where the law merely declares the offender deserving of a few years' confinement, architectural defects may convert his imprisonment into a sentence of death."

This is strong language, but we honestly believe that it is not a whit more emphatic than the serious nature of the topic warrants. It is worse than idle now either to admit or defend the superiority of construction formerly so much lauded and admired in more than one of the boasted "model prisons" of this country. We cordially dislike the title of model when applied to structures that must continue for many years to come the creatures and instruments of progress, and consequently liable to frequent alteration; and we have always doubted strongly the expediency of encouraging the practice of servilely copying peculiarities either of arrangement or administration that must necessarily change, and in some features rapidly improve, under the influence of experience. Nor are we sure that the danger of misleading imitators is the only one to be apprehended from this rather self-complacent and exclusive custom. It is difficult to persuade those who hold the public purse, and to whom we have to look for the means of change, that such change can possibly be needed in a building, which, when completed at a great expense, was said to be beyond all doubt adapted to its purpose in every part, and therefore confidently offered as a pattern for the world.

Notwithstanding the impediment thus created to subsequent improvement by the very excellence of the different model prisons in America, we have reason to believe, and we rejoice in the belief, that each has steadily advanced in usefulness. Our only regret is that this advance has not been always and everywhere commensurate with our increase of knowledge, and with the more widely-extended spirit of reform that now promises to effect so much more than hitherto in untried fields on both sides of the Atlantic.

It may become a question whether, even here, in what we with perhaps more vanity than justice at the present day, regard as still the stronghold and centre of prison discipline reform, there is not reason to fear that we are not moving exactly *pari passu* with the public and private authorities elsewhere, who have displayed of late such discriminating zeal and energy in practising the lessons first taught them on this spot.

Thanks to the obvious merits of the principle, not less than to the remarkable results in practice, of the Pennsylvanian system, it is comparatively long since the penitentiary at Philadelphia ceased to be the cynosure to all enlightened advocates of what we consider the true mode of dealing with the criminal in prison. The experiment has been extended, and is still spreading on a scale equalled only by its vast importance. We rejoice in the ability to look away from home as well as upon our own more ancient ground, for the development of yet untold results. The principle of separation with us, and wherever it has been fairly and rationally tried, can require no change; the details of administration, we doubt not, will change for the better year by year, just as we hope the management of prisoners upon every plan of discipline will steadily improve.

One of the great sources of superiority, according to our view, in the separate system, exists in the very simplicity and unchanging character of its ruling principle, which effects the only natural classification within the reach of human fallibility. This distinguishes it, beyond the possibility of confusion, from the crowd of vague and speculative forms of classification which characterize the associate plans. It is this, too, by which those who are trying to reduce the theory of separation to the best form in practice, are enabled to pursue their grand object with a steadiness of purpose that sooner or later, in the opinion of many wise and good men, will insure the largest share of real success. Such success we know to be the high aim of the distinguished Inspectors of the Eastern Penitentiary, with whom originated the enterprise which in less than a quarter of a century has made their institution famous, and led their doctrines to prevail among the most enlightened and powerful nations of the earth: and we shall look forward with great interest to the result of their increasing efforts in behalf of the improvement, which a veteran experience at home, and the augmenting value of suggestions from younger but well-furnished and equally zealous schools abroad, afford them.

To return to the subject of our notice: "In the separate prison, where the convict spends so much of his time in the cell, it is more especially necessary that this should be furnished with a strong light, abundance of dry, pure air, and an equable temperature: for just in proportion as they are deficient in these health-giving elements, will be the sickness and mortality of the institution; and in the same proportion will the *principle*, wise and safe of itself, be liable to the *charge of evils that can only arise from its mal-administration.*"

This language is clear and forcible enough, but although of course entitled to attention in the connexion with which it has been written, it will apply still more forcibly, we think, to the prisons conducted under joint-labour regulations. It appears to us evident that these latter prisons have suffered quite as much from mischievous construction and bad management, as from mistaken principles of government. We have long held the opinion that if our worst opponents had spent half the vigour and activity in studying out the philosophy of their own vaunted discipline, and in correcting its abuses, that was expended upon the imaginary horrors as well as real defects of ours, the whole country would have been the gainer to an incalculable extent; while even our foreign visitors who have so unanimously followed Pennsylvania, might have been disposed to hesitate a little longer before making up their minds. The unaffected desire of our hearts is to see prison discipline improved to the last degree in every part of the Union, no matter what form it may assume. We are far from flattering ourselves that any one system has yet reached its ultimate development in actual practice. We are very sure that what has been called the Silent System, has not yet arrived at that desirable stage, despite the oft-repeated justification of some of our noisiest competitors: and we do hope, for their sakes as well as those of all liberal inquirers, to see in the condition of their exemplars, wherever the champions of association have nailed their banner to its staff, something that shall really afford a "model" for the world to look upon, and grow wiser in the gaze.

We return again to the report:

"The friends of the associate discipline consider the portion of time which it allows the prisoners to spend in the open air, or in well-ventilated workshops, a never-failing source of health that cannot be afforded to the separate convict. That the former enjoy much more bodily and mental vigour under their present discipline than if perpetually confined in the small, close, and gloomy cells in which they spend their hours of rest and idleness (which is more than half their time) there cannot be a doubt; but when it is remembered that the latter, *under proper regulations*, in addition to outdoor exercise, spends both day and night in a large and cheerful apartment, equal, as regards temperature, ventilation, and light, to the best workshops of the associate prisons, I think that the most prejudiced will admit that the balance of healthy influences preponderates in favour of the separate institutions."—p. 50.

These remarks appear to be at the present time entirely just. How long they will continue to apply, must depend upon the resources and dispositions of the controlling powers, respectively, of each class of prisons. It is not easy to understand why a prisoner is to be packed away in a gloomy, cold and damp cell, and half suffocated in various ways, during one-half of the twenty-four hours, because he enjoys the benefit of a workshop, which is in every respect the op-

verse, throughout the other half. This never-ending see-saw vicissitude of comparative pain and pleasure,—other objections to the plan apart,—can only add intensity to the punishment originally proposed. The strongest, but at the same time most unworthy plea in its behalf, is the greater cheapness of such close quarters. According to that rule it is cheaper still to bury the prisoners alive at once, as the good people of Philadelphia have been supposed to do with the backsliding subjects of their tender mercies at Cherry Hill!

Continuing his remarks upon the necessity of unceasing attention to all the measures of ventilation, cleanliness, warmth, &c., upon which the excellence of the accommodations in the Eastern Penitentiary must in a great degree depend, the Doctor goes on to say that “no matter how perfect the hygienic arrangement of this institution may be made, a larger general mortality will prevail among its inhabitants than among persons of the same age in society or in other separate (and we may add associate) prisons, more favourably circumstanced.” For this belief he gives the following reasons, which we agree with him in considering quite sufficient.

1st. The want of a State lunatic asylum, on account of which the penitentiary is used as one instead.

2d. The large number, at least forty per cent., annually received, of coloured convicts, whose tendency to phthisis and scrofula everywhere, is well known.

3d. The position of the prison on the outskirts of the city, which subjects it to the influence of crowds of wretches, depraved and broken down by the excesses, privations, and manifold exposures of a metropolitan life.

Remarkable evidence of the decided and greatly disproportionate effect upon the mortality lists is shown in the fact pointed out by the reporter, that the number of deaths among the prisoners from Philadelphia City and County “*has been double what it was among those from the remaining counties.*” In his words this “proves incontestably that the mortality of the Eastern Penitentiary cannot be attributed to any peculiarity of its discipline, but to diseases contracted before imprisonment; for as all are treated alike, the percentage of deaths, in a period of seventeen years, should be pretty nearly equal among the city and county prisoners, were not fatal influences at work among the former, over which this institution can exercise no control.”

It should be remembered also that a large proportion of these deaths among the city convicts occurred among the negroes and

mulattoes, who constitute the greater proportion of this body. Nor should it be forgotten that a considerable majority of these fatal cases took place within a few months or two years at the farthest, after committal to the cells, and after a greater or less amount of injurious exposure in the cells of untried prisoners at the county prison.

The small amount of space allowed for the remainder of this article will oblige us to omit all special notice of the tabular view of admissions and discharges during the year. That of the prisoners discharged is full and extremely well arranged; and could it be relied upon as giving a positive account of health, &c., it would be in the highest degree valuable. Such statements, however, although well meriting an honourable record, cannot from the nature of things be more than approximative, if they are not sometimes altogether conjectural. We therefore are the more readily induced to pass them by on this occasion in order to proceed at once to the subject of insanity.

"Several prisoners," we learn from the report, "were received within the year obviously *insane*, and a larger number whose minds were so manifestly weak, that the officers agree with me in saying, that the most casual observer could hardly fail to detect it." That several prisoners, demented and otherwise deranged, had entered in the course of the twelve months, we were prepared to hear; but we would have been better satisfied if the number had been more precisely stated. We wish to know exactly to what extent, as far as the prison-house can tell the tale, "the powers that be" are answerable for their neglect to furnish the provision already ordered for this unhappy and shamefully maltreated class of the recipients of our cherished equal rights.

Again:

"My inquiries respecting the existence of insanity in the families of the prisoners received during the year, show that nine have had parents; two, grandparents; eleven, brothers and sisters; nine, uncles and aunts; and seven, cousins, insane. This, though a large proportion, is, I am fully persuaded, much less than the actual amount, as in several instances where the prisoner denied having had any insane relatives whatever, I found, on making inquiries elsewhere, that they had more than one relation long subject to that disease; and I have no doubt had it been possible for me to have extended my inquiries to the families of all the prisoners admitted, that many similar instances of deception would have been discovered."—p. 54.

This inquiry into hereditary predisposition, is highly interesting as well as important in many points of view. It has been pursued in France, by M. Lelut, and in England, by Dr. Rees, the physician of *Pentonville*, as well as by Dr. Given; and in each instance the investigation has produced some curious results, We would be

TABLE.

| No. | Colour. | Age. | Sex. | Crime. | Health on Admission. | Time in Prison. | Hereditary Tendency. | Form of Disease. | Event. |
|------|---------|------|------|----------------------------|----------------------|-----------------|-----------------------------------|-------------------|------------------|
| 1750 | M. | 27 | M. | Larceny. | Imperfect. | 2 years 2 mos. | No information. | Monomania. | Unimproved. |
| 1943 | B. | 22 | M. | Larceny. | Good. | 1 year. | No information. | Mania. | Unimproved. |
| 1521 | B. | 32 | M. | Burglary. | Imperfect. | 4 years. | No information. | Partial Mania. | Unimproved. |
| 1882 | W. | 30 | M. | House Stealing. | Good. | 1 year 9 mos. | No information. | Monomania. | Unimproved. |
| 1905 | B. | 20 | F. | Larceny. | Good. | 1 year 6 mos. | No information. | Monomania. | Improved. |
| 2061 | W. | 22 | M. | Larceny. | Imperfect. | 6 mos. | Grandmo., aunt, and bro. insane.* | Monomania. | Much improved. |
| 2040 | B. | 17 | M. | Riot and Ass. and Battery. | Good. | 8 mos. | A brother and an aunt insane. | Mania. | Apparently well. |
| 1901 | W. | 27 | M. | Burglary. | Good. | 1 year 8 mos. | No information. | Monomania. | Unimproved. |
| 2071 | M. | 22 | M. | Larceny. | Imperfect. | 1 year 6 mos. | Three aunts insane. | Paroxysmal Mania. | Unimproved. |

* The statements of hereditary predisposition are not given on the authority of the prisoners' own assertion alone, but with the concurring testimony of their relations and friends.—p. 55.

glad to hear of similar inquiries in other parts of the United States. If properly conducted they could not fail to throw much additional light upon the question of insanity among the dangerous classes.

Next in order come the cases of insanity that are supposed to have originated in the penitentiary since the last report. They are presented in the table on page 103.

In regard to the nine cases above presented, it was stated in our previous notice, that "in every one of these cases it so happens that it was either a defective state of mind on admission, or a predisposition to derangement from hereditary tendency, previous attacks, or local injury." The justness of these conclusions may be judged of by the reader in the subjoined account of individual cases taken verbatim from the report.

"I was assured by an associate of No. 1780, on whose veracity I could rely, that he was frequently insane before imprisonment. There is no record of his mental health, on admission, but though not by any means to the extent of actual insanity, I certainly always considered his mind defective.

"No. 1943, is a West Indian by birth, and speaks English very imperfectly. It was the opinion of the officer who arrested him that he was insane at the time, but from my inquiries I deem it more probable, that the conduct which gave rise to that suspicion was the result of the shame of detection, and fear of the punishment that he expected to follow, and not to real mental alienation. We certainly had not the slightest reason to suspect him of being insane, until after a residence of *twelve months* in the Institution.

"No. 1521, is now serving a second imprisonment, during the first of which he was insane for some time.

"There was from the first day of imprisonment a certain eccentricity observed in No. 1905, but nothing to induce suspicion of actual derangement, until she was informed that the usual discipline would be relaxed on account of her physical health, when her delusions almost instantly followed. I have not yet been able to learn anything of her past life or family peculiarities that throws any light on her case, but on reviewing her history since she entered the Institution, I am strongly of the belief that, though latent, her insanity existed previous to her incarceration.

"No. 2040 was in the Infirmary on account of diseased lungs, where the first symptoms of his insanity appeared; for both his physical and mental malady, added to his hereditary tendency to the latter, I believe he is principally indebted to indulgence in vicious habits.

"Up to the time of imprisonment, No. 1882, was principally employed in breaking young horses, by which he got many severe falls, one of them fracturing his skull severely, leaving a considerable depression.

"I have been informed by the mother of No. 2061, that this is his second attack of insanity, the first lasting a period of two years. It will be also seen by the table, that he was strongly predisposed to insanity by hereditary transmission. He served a sentence of two years in the Sing Sing Penitentiary.

"No. 2071, was considered in his neighbourhood to be slightly deficient in mind, but acknowledged to possess an extraordinary degree of low cunning; an association very common, and one I am convinced that furnishes more inhabitants for our Penitentiaries, and victims for the gallows, than most people are aware of.

"No. 1901, was at best always of weak mind, and subject to frequent spells of total derangement, during which he was occasionally put under restraint. From the statement of a relation, I have reason to believe he enjoyed a longer interval of health during his imprisonment than he had been known to have for

several years, owing I presume to the temperate habits he was obliged to adopt."—pp. 56, 57.

"It will be seen by the tables," resumes the Doctor :

"That many of the cases of insanity that occurred within the year were of a partial nature; but it must be confessed that the tendency of all seems to be to pass into dementia. Than this, no other result could well be anticipated, as it is utterly impossible to afford the patient the benefit of judicious moral treatment within the walls of any prison; and the unaided effects of medical remedies would be often more injurious than useful. It is true that the noisy and turbulent may be frequently reduced to submission by so-called modes of treatment, that have certainly more the character of punishments than of remedial measures; but under the deceitful calm thus produced the delusions still exist, and the quiet and automatic order that is considered as evidence of restoration to health, is in reality the result of an almost complete obliteration of the mind. Insanity I believe to be quite a curable disease when taken in its early stages, and when the physician can command all the necessary requisites for its treatment; but if the patients are perpetually subjected to the discipline of a penal institution, and they be *really insane and not malingersers*, I do not hesitate to state my belief that the per-centage of recoveries and non-recoveries will be found to be in an inverse ratio to what they are said to be in well-regulated asylums.

"This opinion naturally suggests the question, ought not the prisoners who become insane to be immediately transferred to a Lunatic Asylum, where their restoration to sanity may be looked upon as comparatively certain, instead of subjecting them to treatment that must almost in every instance render them helpless for life? I think this question must almost invariably be answered in the affirmative; for surely if the crime be considered only deserving of a temporary incarceration, it would not be just to visit the offender with a punishment worse than death."—p. 57.

We fully agree to the general truth of these remarks. Cures of insanity in prisons are generally fallacious. Where the hallucinations and excitement seem to disappear, the exemption is too often transitory and but the illusory condition of a lucid interval, in due course of time to be succeeded by the usual relapse. Faithful and long-continued observation, we are taught to believe,—and our own experience has never yet belied the precept—will alone enable the medical attendant to determine the positive existence of a cure. Mania in all its forms, is too apt, under strict confinement, as justly said by Doctor Given, to subside eventually into the subdued and habitual quiet of dementia, which is thus liable to be mistaken by the hasty examiner for a return to rational subordination.

Still we are not willing to subscribe to the unmeasured denunciation, which forbids all hope of a recovery within the penitentiary walls. Something, we are sure can be done, even in the disheartening precincts of a prison, for this suffering portion of human-kind. Even there they are often infinitely better off, perhaps in every respect, than they have been in the county jail, and than such patients actually are at this moment in many establishments expressly provided for them. Why not make some effort then, for

them even in this discouraging abode? The law especially provides the necessary right, and humanity as well as justice demands, that, until the State Asylum is erected, the discipline, which was never meant for prisoners bereft of reason, should be so far relaxed towards each individual lunatic, as the nature of his case requires. This might be done without interfering with the discipline of the establishment, and without bringing the patients into communication with each other, or with their fellow-convicts. Some plan, by which the rights and necessities of these insane occupants of the separate cells might be attended to, without invading the integrity of separation, was formerly the frequent subject of discussion among the officers of the penitentiary. We think the idea not only feasible, but one that is entitled to attention, and we hope and trust it is not to be abandoned.

Passing from the consideration of the bodily and mental health of the subjects of his care, Dr. Given proceeds to give us the benefit of his two years and six months' experience as physician, resident among them.

The verdict of this experience in general terms in favour of the system, with a caveat against the adoption of the latter where its principles would be abused or not clearly understood, has been already laid before the readers of this journal.

Next we have the reporter's idea of the system as it ought to be :

"Would not mature reflection lead us to believe—nay, have not years of experience proved—the entire safety of a system of imprisonment, the principles of which are to protect the young and less culpable offender from the demoralizing influences of association with the hardened and irreclaimable, by confining him in a separate cell; to teach him habits of industry and order; to furnish him with a trade, the exercise of which will be sufficient for his support; to show him the temporal as well as eternal advantages of a moral and religious life; to protect him from the gaze of vulgar curiosity, so that when discharged, qualified and determined to gain an honest livelihood, his best efforts may not be thwarted by the recognition and denunciation of a malicious fellow-convict, or the thoughtlessness of a visitor to the Institution in which he has been confined; while the injurious effects of unmitigated solitude on the mind and body are to be guarded against by instructing him in the elements of an English education, affording him an ample supply of well-selected miscellaneous reading, free intercourse with intelligent and upright men who take an interest in his welfare, and paying due regard to the preservation and restoration of his bodily health by the hygienic measures of dry, pure air, wholesome food, and proper clothing, good light, and regular out door exercise, where he may enjoy all the benefits of the sun's rays, (and let us add of the open air.)"—p. 59.

This is followed by a review of the abuses of which he deems the system susceptible in the hands of ignorant and selfish men, and of the reasons why he "would not recommend its adoption in any country or state cherishing the opinion that vice ought always to be

made to support itself, or that crime cannot be lessened by moral instruction."

"If prisoners were men of education, if their minds were stored with the facts of general science and philosophy, on which they could reason and converse within themselves, whether at work or in idleness, then indeed would intercourse with their species, and time for acquiring new moral and intellectual ideas be comparatively uncalled for; but it must not be forgotten that the majority of convicts are men of very limited information on all subjects, and rarely in possession of a single principle on which they could reflect or reason with safety or advantage; men who, in fact, when at liberty require all the pressure of surrounding intellect (if I may be allowed the metaphor) to keep them within the bounds of sanity. Such, I apprehend, a faithful history of the past lives, and a close observation of the present habits of a prison population, will prove the great mass of them to be; and however apocryphal it may appear to others, I am nevertheless convinced that the separate system, if administered in accordance with the principles I have stated in a preceding page, instead of still further weakening or destroying their minds, will, on the contrary, restore them to society, *strengthened and improved*.

"The assertion that the educated mind would much better resist the influence of imprisonment than the totally illiterate, is perhaps somewhat at variance with popular belief; but that it is correct I am fully persuaded, and as somewhat confirmatory of it, I may state that I do not remember a single case of insanity having occurred in this institution in which the sufferer's mind was not originally weak or neglected."—p. 61.

We are confident that the remark contained in the latter paragraph just quoted is strictly true.

"Perhaps there is no feature in the separate system that more fully displays its superiority over the associate or silent system, in a moral and intellectual point of view, than the great influence which it enables the keeper to maintain over the prisoner, through its facilities for acquiring a knowledge of individual character and capacity, and thereby to direct the capabilities and acquirements of each individual towards their proper channel, while his opportunities for the exercise of self-government and control (all-important in mental hygiene, but hitherto impossible among associated convicts), are perhaps as little interfered with as is compatible with safe detention. In the associate and silent prisons this knowledge of the depth of the moral depravity and mental development of each convict cannot be satisfactorily ascertained, or, if so, intelligently acted upon, consequently all must be treated in a great degree alike; the hardened and hoary-headed culprit (whose reformation can scarcely be expected) with the youthful novice in crime; the weak and vacillating mind with the intellect deficient in no appreciable quality save the power to discover the advantages of an honest and upright life, and, may I not add, the feeble with the robust in body.

"Now to those who have paid any attention to the subject of mental hygiene, I would confidently appeal, if the almost entire freedom of thought and action and ample opportunities for study and conversation afforded to all, and the facilities for the detection and rational treatment of the defect and peculiarities of each prisoner under the separate system, are not more conducive to the integrity of the mind than that of the congregate and automatic discipline of associated labour prisons, where habits of self-government are impossible, the individuality of each is lost in the surrounding multitude, and the time and opportunities for reading and conversation are limited in the extreme.

"The mention of the ample means which the separate system affords to its officers for the detection and study of individual character and capacity, will readily suggest to the reflective mind the paramount importance of their being humane, conscientious, and intelligent; for just in proportion as they are so,

will the bodily and mental health of the prisoners be good, or their morals likely to improve.

"Physical courage, however essential in the officers of congregate prisons, is, in the separate, seldom if ever necessary. No combination can be formed among the prisoners either for the purpose of revenge or escape, and the rule of kind remonstrance and patient forbearance, as practised by the keepers in this institution, have been invariably found more effectual in subduing the stubborn and refractory individual than resort to the ordinary punishments. Nor will a mere character for imbecile philanthropy, without intelligence to direct it, be a sufficient qualification for this important office. Such an individual, however anxious to benefit the prisoner, would be quite incompetent to the task; and if chance placed him in a position, would be as likely to thwart the well-directed efforts of others as to encourage or assist them. I will again repeat that the character of the prison officers is of vital importance; for as the intercourse of many of them is almost hourly, their opportunities for influencing the prisoner, either for good or ill, cannot be equalled by any other class of visitors." (pp. 63, 64.)

With these extracts we are obliged to close the present notice without dwelling on the interesting topics they discuss. The remainder of the report is occupied with some general views respecting the proper kind of intercourse with visitors, in its relations to what he calls "the mental hygiene of the Institution." These remarks shall receive a special notice on a future occasion. Meanwhile, in taking leave of this excellent production of the medical department of the Eastern State Penitentiary, we congratulate the inspectors and warden of that renowned establishment upon the continued activity of their earnest and faithful interpreter and fellow-labourer. So long as they can secure the aid of such a sentinel upon their outposts, they need fear no falling off in attention to the true interests of the inmates, for the proper care as well as safe custody of whom they hold themselves responsible.

MISCELLANEOUS.

1. SECONDARY PUNISHMENT IN GREAT BRITAIN.

WE take from the London Examiner, the following abstract of a letter of the Secretary for the Home Department, on the new plan for abolishing convict transportation. The letter, in the language of the London Spectator, "develops the most striking and thorough-going measure yet promulgated by the existing cabinet." The evils inseparable from transportation, were exposed ten years ago, by Archbishop Whately; and it is more than seven years since its *frightful results* and inefficiency were pointed out, and its *abandonment* proposed by Sir William Molesworth, at the head of a com-

mittee in the House of Commons. After seven years' delay and agitation, the government has finally resolved upon the substitution of a modification of the penitentiary system, combined with expatriation as a secondary punishment. The general features of the plan consist in the imprisonment at home, and employment on the public works, both at home and in Gibraltar and Bermuda, instead of the old method of transportation to the distant colonies of Van Diemen's Land and Norfolk Island.

"It is intended," says Sir George Grey, "that the first stage, that of separate imprisonment, should in no case exceed eighteen months; and that the average term of such imprisonment should not be more than one year. It is proposed that this imprisonment should take place either in Pentonville prison, or in such of the prisons in the country as shall be ascertained, on inspection, to have made arrangements properly adapted for carrying out the system of separate imprisonment, and in which spare accommodation exists beyond what is required for local purposes. It is computed, that in addition to the five hundred cells in Pentonville, there are, or shortly will be, available in other prisons, a large number of cells for the reception of prisoners sentenced in Great Britain to transportation; and measures are in progress for the erection, in Ireland, of a prison on the model of Pentonville prison, for the reception of Irish convicts. It is further proposed that this separate imprisonment should, towards its close, be *gradually relaxed*, with a view to prepare the prisoners for the second stage of punishment, employment on the public works. It is intended that, on the expiration of the period of separate imprisonment, the prisoners shall be sent, as at present, to Millbank; and that they shall be sent from thence, according to the circumstances of their respective cases, either to Bermuda or Gibraltar, or to other places which may be appointed by her Majesty in Council, out of England, or to employment on public works in this country, such as the construction of harbours of refuge, or works under some public department." But to guard against the recurrence of those evils which resulted from the *indiscriminate association of convicts* under the former hulk system, "Before any convicts enter on this second stage of their punishment, they will have passed through a course of separate imprisonment, accompanied by a system of moral and religious instruction and of industrial training which, it is hoped, will in most cases be attended with a beneficial effect on their character, and have prepared them for that intercourse with their fellow-prisoners which is inseparable from any plan for the employment of convicts on public works, and which, under certain restrictions, may in itself be made conducive to the progress of their reformation and to their preparation for a return to society on the expiration of their sentence. While in this stage of their punishment, care will be taken for providing them with proper accommodation, efficient superintendence, and adequate means of moral and religious instruction; and it is intended that incentives to industry and good conduct should be furnished by adopting, with such improvements as experience may suggest, the system recommended by Colonel Reid, the 1st Governor of Bermuda, and already partially tried in that island with considerable success." "Its most important features are, that the convicts work by task, and that a regular register is kept of the amount of work done by each convict, and of his conduct, by which means the labour is no longer exacted by the mere influence of fear or coercion, as in the case of slave labour, but motives of a higher class are called into action by the offer of advantages, both immediate and prospective, to the industrious and well-conducted." It is proposed as a general rule on the release of prisoners from this second stage of punishment that—"Whenever the conduct of the prisoners may render them fit subjects for the indulgence, conditional pardons should be granted to them after a certain time passed in penal labour; the term of such labour varying according to the length of the sentence, the conduct of the prisoner, and other circumstances. The condition of the par-

don would be the same as that now enforced in the case of the exiles from Fentonville; namely, that they shall quit this country, and not return to it during the term of their original sentences." It is also proposed—"That, on obtaining the conditional pardons, the only restriction on the liberty of the persons holding such a pardon should be the prohibition of remaining in this country; and that facilities for emigration should be afforded them, *individually instead of collectively*, a portion of the earnings of each prisoner during the period of his imprisonment and employment on public works being applied towards the expenses of his emigration, or, in certain cases, reserved towards defraying the expense of sending out his family." Sir George adds, "In addition to the general plan thus contemplated, there will probably be cases in which the mercy of the Crown may safely be exercised in favour of prisoners, without enforcing the condition of exile, where their friends or other persons of character and respectability may undertake, on their liberation, to provide employment for them, or become answerable for their future conduct."

In other words, those who are worth keeping, or have friends to take them off the hands of the government, will be graciously allowed to stay at home; but the worthless and incorrigible, and all who have no friends, will be sent off to prey upon the unwarned inhabitants of other countries.

2. PROPOSED TREATMENT OF JUVENILE OFFENDERS IN GREAT BRITAIN.

A far more agreeable and encouraging prospect is presented by the closing portion of the Secretary's letter paraphrased above. "With respect to juvenile offenders," we quote again from the abstract of the Examiner, Sir George says:

"The system applicable to them should have less of a strictly penal, and more of a purely reformatory character, than can, with a due regard to the interests of society, be safely applied in the case of adults. The experience of such institutions as that of Mettray in France, and of the Ranke Haus near Hamburg, in the case of children of a strictly criminal class, and that of schools which have been recently established by private benevolence in this country, for the reception of children of the lowest class, rescued by these means from habits of mendicancy, vagrancy, and theft, have sufficiently proved that the heart even of the most neglected and depraved is, at an early age, peculiarly susceptible to kindness and affection; and that a judicious application to them of a system founded on these principles, and combined with religious and other useful instruction, and with industrial training, is calculated to produce a powerful effect on their feelings and character. With a view to the application of such a system, it has been determined, with the aid of the committee of council on education, and in connexion with a normal school for training prison schoolmasters, to establish a penal school in the neighbourhood of London, to which boys under a certain age sentenced to imprisonment or transportation shall be sent, either, in ordinary cases, after a temporary imprisonment, or immediately after their conviction, where the tender age of the child or the circumstances of the case, should, in the opinion of the court before which he has been convicted, or of the Secretary of State, render such a course expedient. The great object of this school will be the reformation of its inmates, and the inculcation of those principles and habits which may best fit them for a future course of honest industry. The establishment will be a place of religious, moral, and industrial education,

rather than a place of punishment. It is proposed, however, that, with the sanction of Parliament, a legal power of detention during the term of their original sentences, shall be exercised in the case of boys placed in this school; and that in the event of serious misconduct they shall be liable to be transferred, as a punishment, to prison. One such establishment will, of course, be very inadequate to the wants of the country; but I trust that means will be found for the formation of establishments with the same object and founded on similar principles in other places. The plans for the ultimate disposal of juvenile offenders on the expiration of their sentences is a question still under consideration."

In relation to this latter part of the ministerial *exposé*, the London Spectator very pertinently remarks:

"In one branch, indeed, ministers have gone beyond their own main policy—in the treatment of juvenile offenders. For young delinquents the system of retributive penalties is to give place to one of reformatory discipline, which has been found by experience to be more efficacious with youth. No ground for the assumption that it would be otherwise with adults is stated. But this further experiment with youth promises to enlighten the official mind on that branch of the subject also. We have seldom seen any measure more vigorous in itself, and more promising for ulterior results, than that set forth in Sir George Grey's letter."

3. CELLULAR PRISONS IN FRANCE.

These are *Maisons d'arrêt et de justice*—houses of detention, intended, like our county jails, for untried prisoners and those under sentence for short terms, on account of minor offences.

"The number at present in operation, on the Separate System, is twenty-three. In all of them the prisoners are separated entirely one from the other. Their rooms, which are neat, warm, and cheerful in appearance, are twelve feet long, six feet ten inches wide, and nine feet high. Each room has its flues for heating and ventilating, its fountain for washing, and the necessary conveniences of a private apartment. The cost of these prisons, including all the arrangements for water, ventilation, and the courts for daily walks, has varied from 1500 to 4000 francs per cell. The prisoner has the means of calling at any moment, by a signal, the keeper, who is bound to inquire and report his want. During the day he receives at least seven different visits, viz.: those of the Directors—the Chaplain—the Teacher—the Surgeon—the member of the Visiting Committee whose turn it may be—the keeper, and of the person who inspects his labour. During at least one hour in the day, he takes exercise in the open air, in one of a series of courts, many of which are planted with flowers and freshened by fountains. A small library is attached to each prison. Those who are in custody only, can have as many books as they choose, and, if they see fit to work, an account is kept of their labour, and its proceeds paid over to them. For those who are undergoing imprisonment as the penalty of crime, only one hour a day is allowed for reading, and their labour is compulsory, one-third, however, of its profits is given to them as an encouragement to activity. Every Sunday there is religious worship, in which all the prisoners join, without seeing one another."—(*G. Sumner's Letter.*)

4. THE SEPARATE SYSTEM ON THE EUROPEAN CONTINENT.

"It is perhaps needless to multiply facts where the evidence is already so strong. The experience of other countries serves only to confirm that of France. In 1837, the adoption of this system for prisons of detention was commenced throughout Holland, and shortly after in several of the German States, where it

will soon become general. In Geneva, which, for many years, was the European stronghold of the Auburn system, a prison on the Separate System has been in operation for three years. I have before me a letter from an enlightened citizen of that Republic, which bears evidence to the happy effects of the system, and to its complete triumph over the difficulties which the partisans of the Auburnian prison had thrown in its way. Out of a number of letters, bearing testimony to the happy effects of this system from persons whose judgment is entitled everywhere to respect, I will cite two, of which I send you the originals. The first is from Count Gasparin, Peer of France and former Minister of the Interior, well known throughout Europe for his active intelligence, for his improvements in French Agriculture, and for his enlightened philanthropy. He writes thus:—

“Orange, 10th Nov. 1846.

“DEAR SIR,—I hasten to reply to your letter of the 5th, which I have only received this morning, and I hope that my answer may reach you in time for the object which you propose. The great advantage—the inappreciable advantage of cellular imprisonment—that which should cause it to be adopted in spite of its inconveniences, if it were true that it had inconveniences even greater than those which have been conjured up—is, *the complete separation of prisoners*—the suppression of their mutual instruction in crime—the ignorance in which they are of their fellow-prisoners, and, in consequence, the impossibility of their recognising one another and forming criminal associations on their discharge.

“Every government which in the actual state of society and of the progress of social science adopts any other than the Separate System, will expose itself to the necessity of having before long to reconstruct its prisons.

“Experience has not confirmed the fears which were entertained as to the results of this system upon the health of prisoners when it is conducted with the desirable attention and charity, as it is, in short, at Paris in the house of juvenile offenders, and in many of our departmental prisons, particularly that of Tours, where I have observed its effects with care. The health of the prisoners is good; they work with ardour, and do not wish to return to the society of their comrades. It must be remembered, however, that once within the walls of the prison, *the idea of punishing a culprit must give place to that of correcting and reforming a man*. He should meet only the kindly looks of those who are sincerely occupied with his spiritual health, and not the looks of turnkeys and executioners, who seek to impose on him an expiation. Confirmatory facts from every side come to the support of our own experience.

“I beg you to believe me, sir, with sentiments of special regard, your devoted friend,

“GASPARIN.

“Mr. Geo. Sumner, Paris.’

“The other letter is from the distinguished physician, Dr. Lelut, known in America as well as in Europe by his important works upon Insanity, and also by his interesting psychological studies upon Aristotle and Pascal. He is a member of the *Institute* and of the Royal Academy of Medicine, and is Physician of the Salpêtrière, the great asylum for the insane of Paris.

“SIR,—You do me the honour to ask me to let you know briefly what have been the results of the examination which I have just made, under the direction of the Minister of the Interior, of the prisons on the Separate System now in operation in France. I will endeavour to satisfy you.

“These houses are, as you perhaps know, twenty-three in number, all on the *system of the absolute separation of the prisoners*—the system of Philadelphia adapted to France. I have examined about half of these prisons, and the principal ones, among which I will mention those of Chalons sur Saone, Lozes, Le Sannier, Montpellier, Bordeaux, Tours.

“In all these houses, I have confirmed *de visu* what was previously declared by theory, that the Separate System, independent of all the facilities which it offers, for elementary and professional instruction, for the moral and religious

education of the prisoners, for religious exercises—independent of the circumstance that it alone prevents prisoners from associating with each other and from corrupting each other—that it *causes infinitely fewer cases of death and insanity than any other system of imprisonment.* The actual condition of our cellular houses, their history, which covers already a period of three, four, and five years, the testimony of their directors, of their physicians, of their visitors, do not leave any doubt upon this important point. My observations on this point are the object of a long report, which I have addressed to the Minister of the Interior, the second part of which, that is, the conclusion, I read to the Academy of Moral and Political Science, at its session of the 10th of October last.

“The harmlessness and the superiority of the Separate System are with me questions already decided. Your country, sir, has had the glory to be the first to furnish the practical elements for their determination. I am happy that my testimony should seem to you of a character to counteract, even in the United States, the objections which may still be brought against the general application of this mode of incarceration.

“I beg you to accept, sir, the expression of my special regard.

“LELUT.

“Paris, 13th Nov. 1846.”—(*G. Sumner's Letter.*)

5. CELLULAR PRISONS IN SWEDEN.

Prisons completed on the plan of separation, but not yet occupied, have been established in Sweden at Stockholm, Falme, Gefte, Linköping, Wexiöc, Christianstadt and Carstadt. These prisons are intended solely as houses of detention for untried prisoners, and delinquents committed for short terms. They contain altogether 650 separate cells, the average cost of which is estimated at 900 thalers, Swedish money (800 dolls.) per cell. The Swedish minister of justice has proposed to the king to order the erection of separate prisons in addition to the above, and intended to afford 800 cells similar to those already finished.

In consequence of the great distances between the different large towns of the country, it has been a matter of deliberation whether it would not be well to build in the rural districts, smaller prisons constructed of wood, and with double walls, the interspaces of which should be filled with sand. The expense of prisons of this kind has been estimated at 450 Swedish thalers (150 dollars) per cell.

6. THE NETHERLANDS SOCIETY FOR THE MORAL IMPROVEMENT OF PRISONERS.

We take great pleasure in publishing the following brief and unassuming sketch of the objects and course of this most respectable

society, a cherished and highly influential European ally of our own association. The paragraph is taken from a letter accompanying an official document addressed to us by M. Mollet, the corresponding secretary, to whom we gratefully express our obligations.

"Our society, which has now existed nearly 24 years, has endeavoured to improve the moral character of prisoners by giving them elementary and religious instruction without making any difference as to sect or creed, but having regard, nevertheless, to these distinctions as much as need be, to show how far we are from a proselyting spirit. We also endeavour to procure to the liberated prisoners, as much as we can, the means of earning their daily bread in an honest way.

"We have had some success, but also, as may be expected, many disappointments, having had to do with the worst of all systems, the congregational one. We introduced classification, recommended silence; but all this was of but little avail, and now we are endeavouring to bring about a total reform of our prisons by the adoption of the separate system. Our government approves of it, and several buildings are erecting for untried prisoners—Arrest-houses, as we call them. And it is to be hoped that in a few years our penal establishments will all be built on that system, and the infliction of imprisonment substituted in general for that of all other punishments, except a few cases (such as attempts on life, but none on property), which are to be punished with death. The writings of a few of the members of our society have greatly contributed to this great change of opinion both in the members of the government and of our legislative body."

This society is justly called by M. Moreau-Christophe an association of true philanthropists. Amsterdam is the central point of operations, but its ramifications are extended into every town of the kingdom. It is this unpretending but admirable body that has roused the government into the formation of separate prisons for young convicts under sixteen years of age—a measure of incalculable importance, already well tested in France, and one which we confidently hope some day to see adopted in America. "To the Netherlands Society is due the whole merit of providing voluntarily, and at its own expense, the religious, moral and elementary instruction which occupies, for many hours of every day, the heads and hearts of the youthful inmates. Again, we find the same brotherhood assuming, whenever needed, the obligations of the government by affording a *similar tuition* to the inmates of all the prisons of the second order.

It is this same body too which has restored to the paths of rectitude by timely aid and counsel, hundreds of prisoners, after their discharge from prison." "All this," says M. Moreau-Christophe, from whom we have taken the above passing tribute, "is done without parade, just as every other good thing is brought about in Holland."

7. PRISON DISCIPLINE CONVENTIONS.

Our readers will recollect that the Penitentiary Congress, whose sittings were held last year at Frankfort-on-the-Maine, is to resume its deliberations on the 20th of September next, at Brussels.

We have already given (Vol. ii. No. 4, p. 414,) a list of the principal topics proposed to be discussed on that occasion, and have only now to remind those who are interested in the momentous questions likely to be taken up for consideration, that all communications in relation to the object of the approaching reunion may be addressed to M. Ed. Ducpetiaux, Inspector-General of Prisons, &c., &c., at Brussels.

We are glad to learn from the following circular that an assembly similar in purpose to the European Congress, is shortly to be held under the auspices of the New York Association, in the City of New York.

A CALL FOR A CONVENTION FOR THOSE INTERESTED IN PRISON DISCIPLINE.

At a regular meeting of the Executive Committee, held February 22, 1847, the following resolutions were adopted:—

Resolved, That in compliance with the recommendation of the Prison Discipline Committee, the Executive Committee of the Prison Association recommend to the friends of prison discipline throughout the Union, to meet in convention in the city of New York, on the first Monday in October next, for the purpose of taking into consideration the criminal laws of the different States—the length of sentences—the method of appointing prison officers—the improvement of prison systems—and such other matters in relation to prisons as may seem to them expedient.

Resolved, That the governors of States, the inspectors, wardens, physicians, and chaplains of the different prisons in the United States, and generally those interested in prison discipline, both in this country and in Europe, be respectfully invited to attend.

Resolved, That a committee of nine be appointed for carrying the foregoing resolutions into effect.

The following gentlemen were appointed said committee, viz.: William T. M'Conn, John Duer, Benjamin F. Butler, John W. Edmonds, John D. Russ, Prosper M. Wetmore, Isaac T. Hopper, Willis Hall, Theodore Tilkampf.

The more effectually to carry out the views of the Association, the Committee

beg leave to recommend the following subjects as those which, in their opinion, most imperatively require the consideration and action of the convention.

1. A comparison of the advantages and disadvantages of the separate and congregate systems of prison government.

2. The best means of securing a uniform method of reporting prison statistics.

3. The proper length of sentences, and the extent of the discretion that should be conferred upon judges in regard thereto.

4. The best method of supplying the prisoners with food and clothing.

5. Prison labour to be considered in its relation to the separate and congregate systems respectively—its effects on the habits and morals of the prisoners—its productiveness, etc.—its interference with free labour, and including the merits of the contract system.

6. The imposition of fines, and the conditions to which they shall be subjected.

7. The best method of appointing prison officers, and the proper tenure of their offices.

8. A comparison of the criminal laws of different States and the best means of securing uniformity therein.

9. The classification of crimes.

10. The use and limits of the pardoning power.

11. The discipline of prisons and the treatment of prisoners.

12. The organization of county prisons.

Although the committee are aware that no decisive action can be anticipated in regard to a large majority of the numerous interesting and important topics to which the attention of the convention is thus directed, yet they are disposed to believe that many facts will be thus elicited which will have an important influence upon the great and hitherto almost neglected subject of penology. They believe that should no other immediate good result from this convention, it will have the effect to excite a lively feeling in favour of its great objects. They cannot persuade themselves, however, but that its beneficial effects will be of a more positive character, and will ultimately lead to those improvements in criminal laws, and to the introduction of that system of prison government, which the spirit of the age requires, and which the reformation and moral elevation of the convict demand.

In compliance with the foregoing resolutions, therefore, the committee would respectfully invite and earnestly solicit all those named in these resolutions, the officers and managers of the various prison associations in our country, and all those who are especially interested in the great object to which attention is thus particularly directed, to meet them in convention, in the city of New York, on the first Monday in October next, at such time and place as may hereafter be appointed, and of which special notice will be given.

Written communications are respectfully invited from those who, feeling a deep interest in its objects, are unable to attend the meeting of the convention.

(Signed)

JOHN D. RUSS, M.D.

Cor. Sec. N. Y. Pris. Assn.

It is to be hoped that this effort on the part of our indefatigable neighbours, will be met with the respect and practical attention it deserves. The nature of the subjects suggested for consideration, and the high character of the Executive Committee, by whom the Convention has been called, lead us to anticipate an interesting and instructive meeting. The free and unbiassed interchange of experience and views in such a congregation, of those who are officially or otherwise identified with the administration of prison discipline in the United States, cannot fail to exercise an advantageous influence

in various ways. We shall look forward with great interest to the result of their deliberations.

8. THE NEW YORK PRISON ASSOCIATION AND THE CITY "TOMBS."

The executive committee of this association, whose untiring energy and perseverance demand our unqualified admiration, have recently addressed a strong memorial to the Common Council of their city in another attempt to lessen the Augean miseries of the city prison, popularly known as the "New York Tombs."

With the details of the abuses which are the subject of this remonstrance, the different publications of the committee have already made us sufficiently familiar. What we desire to point out especially to our readers are, in the first place, the unequivocal and emphatic language uttered by these gentlemen, in relation to the individual separation of untried prisoners and others undergoing short detentions; and secondly, a set of regulations, which, to use their own words, "While they answer all the requirements of the statutes, would place our prison upon so elevated a platform, that we should no longer have cause to blush as at present when comparing it with prisons in other cities of our land."

Many of these regulations are of local interest merely; others, however, furnish valuable hints, and would be useful anywhere. We subjoin a few of the most important of the latter. Reg. 4th. "The prisoners, one and all, should be confined to separate cells, and only allowed for certain hours upon the corridors and in the yard in such manner and according to such rule as to prevent personal intercourse." 7th. "That an hospital should be provided for the sick." 8th. "That no person shall be allowed to visit the prisoners except for urgent reasons, and then only in the presence of a keeper." 9th. "That articles of food prepared for the prisoners by eating houses or friends, should only be given to the prisoners by the keepers or some one specially designated for the purpose." 11th. "To prevent the possibility of any mistake by which two or more prisoners may be placed in a cell, a directory with the numbers of the cells thereon, should be kept at the desk, with the name of the occupant placed opposite the number of his cell." 14th. "That a complete set of rules for the government of the officers and prisoners should be printed and placed in a conspicuous place on every corridor and in each cell."

In regard to separate confinement, the language of the committee is extremely gratifying to us. "If," say they, "the inquiries and investigations of those who in modern times have directed their attention to this subject, have established anything—if the concurrent testimony of the wisest and best throughout the world, who have interested themselves in prison discipline proves anything, or is of any value—then a complete and constant separation of those detained for trial should at all times be enforced; and we would further add, that this principle is distinctly recognised by the Revised Statutes, and to enforce its practical application is made the duty of the keepers of prisons (Vol. II., R. S., 3d ed. p. 843). As it now is, however, prisoners are not only allowed, but forced into contact—the virtuous with the vile, the innocent with the guilty, the abandoned prostitute with the guileless orphan—the whole mingling together in one mass, where jests and ribaldry, oaths and blasphemy, mark the progress of the hours." This state of things, it is but fair to add, is, "to a great extent, independent of the government of the department, and is the direct and almost necessary consequence of the construction and crowded state of the building."

The committee advert also to the method of keeping the books of all the city prisons. "This association," we quote the memorial once more, "with a view to introducing uniformity in reporting the statistics of our different prisons, have adopted the plan of a register both for the prison and the hospital, to copies of which they invite your serious attention, and ask that it may be made the imperative duty of each officer having charge of the books in either department, to carry the intentions of the association into effect by keeping their books according to the plan here prescribed."

We regret that want of space forbids the introduction here of a copy of this tabular plan. We are unable, for the same reason to fulfil our intention of publishing the general list of questions proposed to the officers of prisons by the prison discipline committee. Some account of these questions was prepared and attached, by way of conclusion, to our notice of the second report of the association in the last number, but by mistake of the compositor it was entirely crowded out. We hope at our next issue to present these plans and questions, along with much other valuable matter furnished by the remarkably interesting pages of the third New York report.

. THE "MILDER MEASURES OF THE PENNSYLVANIA SYSTEM" AT
AUBURN AND SING-SING.

We have been watching with great pleasure the continued progress in humanity of the "characteristics" of the Auburn system. The discovery at length established beyond a question in the minds of the administrators of the "silent" discipline, that harshness and violence are not indispensable concomitants of any mode of government, has given a new colour to the state of things in our best-regulated associate prisons, and one that is likely to exert a material influence upon the discussion of the question of prison discipline in general.

The following extract from the third report of the Executive Committee of the New York Association, affords the most gratifying evidence that the law of kindness now signally prevails within walls that "at no distant period" have cast their gloomy shade over the commission of "cruelties, which might challenge the competition of the Spanish Inquisition in its worst days."

"Fortunately with the spread of intelligence, juster views are obtaining in regard to the ends and purposes as well as the effects of penal inflictions; and experience is demonstrating that as the law of the mind is stronger within us than the law of the members, so that education and training is most valuable, whether to the youth or to the criminal, which addresses itself rather to the moral than to the physical nature of man. And the Executive Committee rejoice that they have it in their power to announce that views so just and wise are now predominant in all the state prisons of this state. The reign of cruelty seems to have passed away. The instances which have been related [on a preceding page of the report] are rather characteristic of the past than of the present, and they are given here so that we may be warned from what has been, of what again may be. A very great change has taken place in the government of our state prisons, in this regard within the last three years. The Clinton prison has from its foundation been thus well and wisely governed. At Sing-Sing, where three years since nearly one hundred blows a day were struck, and where the whipping-post was never dry, weeks and even months now elapse without a blow. In Auburn a similar spirit now prevails; the infliction of corporal punishment is becoming more infrequent; and he is now justly regarded as the best officer who has permitted nearly a year to pass away without resorting to it."—*Third Report of N. Y. Prison Association*, p. 59.

10. THE PRISON AT AUBURN.

The following passage is part of an extract given in the Prisoner's Friend, from an eloquent address of Dr. Howe, delivered in the course of the protracted discussion which attracted so much attention recently at Faneuil Hall.

"Let me first describe Auburn, as I knew it—the prison which this society adopted and recommended to the world as a model. The men slept in narrow cells—so narrow that they could hardly turn round when their cot was down; so obscure that they could seldom read by daylight. At dawn they were marched out in silence, in single file, and military order, watched over and guarded by armed men, and thus went to their work-shops. Here they were seated, in single file, one behind the other, and put to work. They were six-

bidden to speak to each other, or to look at each other, upon pain of instant punishment by the lash. The officers were constantly among them, and upon the watch for a word, or a look, or a cough, or a sigh, or anything that could be construed into a sign.

"Nay, sir, around these work-shops were corridors, in which other officers—spies—were constantly peeping through holes so small as to be invisible by the prisoners, who thus never knew how many eyes were watching them.

"In this open shop or hall, grown-up men sat and worked, bareheaded, exposed to the gaze of visitors, watched by the jealous eyes of officers inside the walls, and by the prying eyes of spies outside the walls! what a situation, and what treatment for the reformation of men!

"After work hours, they arose in careful order, were formed into files, and marched to the eating-room; thence back to the shop, and finally at night to bed, each man carrying his night-tub in his hand. When in their cells, they must be silent as the grave; and if, before he laid down on his narrow cot, a poor fellow sank upon his knees, and would cry to his Father in Heaven for help or forgiveness, he must stifle his words, and choke rather than sob aloud—for the watchful officer, with soft socks upon his feet, and a hard stick in his hand, was ever going about, with stealthy tread, to maintain the death-like silence that reigned in that drear abode.

"Now, sir, what I would have this society particularly remark is, in the first place, that the first and last, and great law of the prison, was *non-intercourse* among the prisoners—and this was aimed at by trying to enforce silence, and to prevent communication by signs. In the second place, that there was no adequate provision made for social intercourse between the men and officers. They could not talk in the shops, silence was the law there; they could not well be visited in their cells, for they were made just as small as it was possible for one man; and he was not put into it until wearied out by a hard day's work.

"Now, sir, mark me, I am not supposing it was possible to prevent the men from communicating—I am showing what the Auburn system, as it is laid down and specified in our reports, *aimed at*; what it tried to enforce; what inflicted so many cruel blows (ending sometimes in death) in the attempt to enforce.

"I may as well remark here, that the men are always placed in an antagonism with the officers—that the temptation to devise means of communicating was irresistible,—so that the Auburn system, to which the Society pledged itself, never was, and never can be, carried out perfectly; and all the attempts to carry it out to its extreme do harm, because the men will evade and break the rules, and thus learn to despise the discipline. But, sir, let us suppose, for a moment, that this system could be carried out perfectly, and all intercourse between the men be cut off,—would not the system then be the solitary system which the gentlemen have made such an outcry against? Would it not be less social, in reality, than the separate system, which makes special provision for social intercourse between the prisoners and virtuous attendants?

"Sir, what is it that constitutes men *social* beings? Is it sleeping, packed away in separate cells, as near, but yet as separate and still, as the dead in a well-filled grave-yard? Is it marching in lock-step, in silence? Is it sitting side by side in the shop, at the table, and in the chapel, but without a sign of recognition or sympathy? No, sir, it is through the sense of hearing that men must communicate; it is speech, and not sight, that makes men *social* beings.

"Who so lonely, who so unsocial, who so completely a hermit in the world, as your uninstructed deaf and dumb man? Before you give him a *language*, a system of signs, he is not only the loneliest man in the world, but generally a brutal, wretched, and miserable one.

"Now, sir, the Congregate system, as recommended by this Society, strives to cut off all this communication by speech and by signs. It succeeds in doing so, or, it does not succeed.

"If it succeeds, then it is really more solitary than the separate system, which makes special provision for communication.

"If it does not succeed, it holds up a false appearance to the world, and it injures the prisoners, by placing them in antagonism with rules which they break and learn to despise."—*Dr. Howe's Speech.*

THE
PENNSYLVANIA JOURNAL
OF
PRISON DISCIPLINE
AND
PHILANTHROPY.

EDITED BY
EDWARD HARTSHORNE, M. D.

LATE PHYSICIAN (RESIDENT) OF THE EASTERN PENITENTIARY.

PUBLISHED UNDER THE DIRECTION OF "THE PHILADELPHIA SOCIETY FOR
ALLEVIATING THE MISERIES OF PUBLIC PRISONS," INSTITUTED 1789.

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1848.

CONSTITUTION

OF

"The Philadelphia Society for Alleviating the Miseries of Public Prisons."

When we consider that the obligations of benevolence, which are founded on the precepts and examples of the Author of Christianity, are not cancelled by the follies or crimes of our fellow-creatures; and when we reflect upon the miseries which penury, hunger, cold, unnecessary severity, unwholesome apartments, and guilt, (the usual attendants of prisons), involve with them, it becomes us to extend our compassion to that part of mankind who are the subjects of those miseries. By the aid of humanity, their undue and illegal sufferings may be prevented; the links which should bind the whole family of mankind together, under all circumstances, be preserved unbroken; and such degrees and modes of punishment may be discovered and suggested, as may, instead of continuing habits of vice, become the means of restoring our fellow-creatures to virtue and happiness. From a conviction of the truth and obligation of these principles, the subscribers have associated themselves under the title of "THE PHILADELPHIA SOCIETY FOR ALLEVIATING THE MISERIES OF PUBLIC PRISONS."

For effecting these purposes, they have adapted the following CONSTITUTION.

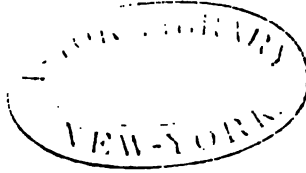
ARTICLE I.—The officers of the Society shall consist of a President, two Vice-Presidents, two Secretaries, a Treasurer, two Counsellors, and an Acting Committee, all of whom, except the Acting Committee, shall be chosen annually, by ballot, on the second Sunday, called Monday, in the month called January.

ARTICLE II.—The President, and, in his absence, one of the Vice-Presidents, shall preside in all meetings, and shall subscribe all public acts of the Society. The President, or in his absence, either of the Vice-Presidents, shall moreover have the power of calling a special meeting of the Society whenever he shall judge proper. A special meeting shall likewise be called at any time when six members of the Society shall concur in requesting it.

ARTICLE III.—The Secretaries shall keep fair records of the proceedings of the Society, and shall correspond with such persons and societies as may be judged necessary to promote the views and objects of the institution.

ARTICLE IV.—The Treasurer shall keep all moneys and securities belonging to the Society, and shall pay all orders of the Society or Acting Committee, signed by the President or one of the Vice-Presidents, which orders shall be his vouchers for his expenditures. He shall, before he enters upon his office, give a bond of not less than two hundred pounds for the faithful discharge of the duties of it.

ARTICLE V.—The Acting Committee shall consist of the President, two Vice-Presidents, two Secretaries, two Counsellors, Treasurer, and



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ART. I.—*County Prisons.*

IN our last number we promised to speak more at length upon the subject of county prisons than our limits then permitted. We perceive that the fulfilment of our promise will involve us in some difficulties, which must be evaded rather than overcome. The extent of the subject would require a larger space than can be properly conceded in this Journal for its full exposition; and the persons whose attention and assent are most to be desired, are those whose neglect of the considerations to be offered renders necessary large explanation and copious example. We are not discouraged, however, by these difficulties; for the reader who is familiar with our topics will readily accept the importance of their general comprehension as an excuse for a fresh rehearsal; and such is the value of each with reference to our principal object, that if we shall succeed in impressing only a few of the whole number upon that class of citizens whose co-operation is needed, our cursory review will have a practical value.

It may facilitate the apprehension of our views to present immediately to the reader our own definition of the subject which is to be considered. The reflections to be suggested may thus

* Continued from July, 1847.

be more easily applied to the principal design of the present article.

After the Legislature has declared what acts are to be regarded as crimes, and has provided a mode in which individuals who have been charged with the commission of such acts shall be tried and their guilt or innocence ascertained, it is obviously necessary that the persons of the alleged offenders shall be secured until the proper tribunal shall have decided their guilt or innocence, and until the prescribed penalty shall have been inflicted. The very uncertainty which requires the interposition of a judicial tribunal before the suspected citizen is exposed to the punishments of the law, would render it probable, were there no experience to assist our judgments, that some innocent members of society must at all times be found in the places of detention before trial. With respect to the really criminal inmates, such is the variety of acts to which the penal sanctions of the law are directed, and so many the degrees of moral turpitude which they imply, that were we to imagine each offender no worse than the crime charged upon him would warrant our believing him to be, there must be almost as many diversities of individual character as of alleged offences. Pursuing this course of thought, we reach at least this conclusion, that the persons awaiting trial must be not only distinguishable into the two principal classes of *innocent* and *guilty*, but also into a great number of subordinate classes differing in degree of guilt; and that the differences of sex and age must still further subdivide our classes.

The Legislature having made the restraint of personal liberty one of its punishments, may use for its execution the same place of confinement in which are kept persons awaiting trial; and thus will be added to the inmates those whose criminality has been ascertained, (i. e. convicts,) and who are thus freed from many of the hypocritical restrictions which they had assumed for the sake of imposing upon the ministers of justice. Inasmuch as human discernment is imperfect, it will sometimes occur that innocent persons will be convicted, and in consequence be committed with the guilty to the place of confinement.

The prisoners of a state may be confined in one large building, *under the immediate supervision of the principal officers of*

government ; or the custody may be distributed amongst a number of inferior officers, in many buildings, in different parts of the state. The convicts may be kept in the same building with other persons who are confined ; or there may be a structure provided for convicts alone, or for some of them whose offences are of a grade which requires special discipline.

Again, it must frequently happen that the process of trial will require the testimony of witnesses, who, from interest or affection, or other motives, may be unwilling to attend the tribunals ; but who ought, for the ends of public justice, to be kept within reach of judicial authority. Some of these witnesses can be secured only by their persons ; and hence a place for these belongs to the department of penal construction.

Now taking the course of our own legislation for a guide, we shall understand by the term *county prison* a building in which are kept persons of every age, and of each sex and colour ; of every rank, fortune, education and character ; some of whom are charged with no offence, but are held to secure their appearance as witnesses ; others of whom are charged with offences of various grades, but of these some are innocent and will so appear on trial ; some are guilty and will be punished ; others of whom are already convicted of trivial offences, and are subjected to only a few weeks or months of detention. In this diversity of classes, some will be found whose habits are orderly and industrious, others who are idle and vagrant ; some whose education has been moral and whose tastes are refined ; others who are rude, coarse, filthy, and ignorant ; some whose language and deportment are chaste and decorous ; others whose utterance and gesture are profane and obscene ; some whose commitment, although legal and upon a true charge, implies only a momentary excess of anger, or perhaps a too zealous defence of a friend ; others who are old residents of prisons and have led only a criminal life ; some who are young and have been unexpectedly pressed by a temptation against which their very arrest may be a sufficient security for the future ; others who are practised corrupters of youth, and seek every advantage of the inexperienced ; some who are willing to be taught the mysteries of robber-craft ; others expert and anxious to communicate the vicious desires of roguery.

Assuming then, that the object of the state is to protect the

innocent, and to prevent crime by reforming the offender, or by exciting in him and through his example upon the community, a salutary fear of the public discipline, it is easy to see that a county prison may be, according to its administration, either an aid or an obstacle to the success of our penal system.

To illustrate this subject in either aspect, let us refer to the opinions of some experienced persons who have witnessed the effects of a promiscuous association in county and other local prisons. The British Inspectors for the Home District, in their first Report enumerate among the unavoidable evils of such association, "blasphemy, obscenity, demoralizing intercourse, profane jesting, instruction in crime, boasting of criminal adventures, gambling, combinations to defeat justice, concerted efforts at escape, conspiracy to effect future depredations, and many others," among which they include the recognition and co-partnership of each and all. They further speak of idleness, and quarrels, and the impediments in the way of moral and religious instruction; and the exposure of the innocent, even before trial, to the same influences and the same form of punishment as the guilty. In their third report they say "the comparatively innocent are seduced, the unwary are entrapped, and the tendency to crime in offenders not entirely hardened is confirmed, by the language, the suggestions, and the example of more depraved and systematic criminals."

The French Minister of the interior thus spoke to the Legislature of his country in 1840. "It is in this prison that criminals make their first appearance, from the inexperienced youth, the very child, even, whom a first or trivial offence, and one in which he has been a forced accomplice, brings before the tribunal of justice, to the hardened old man who is destined, after a long series of convictions, to find a tomb in the galleys. It is in this class of prisons that is unceasingly accumulated that population of dangerous idlers, of consummate malefactors, of intrepid villains, who form the dregs of every community. They are the first and most fatal schools whether of vice or crime; and he who once enters them for any offence, too often goes out more depraved, to appear before his judge. Sad contradiction to the law! The precautions of justice become a source of corruption, *the prison makes criminals; under the very eyes of the magistrates, it develops the germs of future crimes.*" Another Mini-

ster of State in 1843 uses similar language in his address to the deputies.

The Inspector-General of French prisons, styles these institutions "anti-social clubs, haunts of malefactors, public houses of convicts and accused, of vagrants, assassins, robbers, prostitutes, &c., who, from every quarter, are associated by the ties of confederacy in crime." Again: "To unite in a common enclosure all the inmates of a prison, is to put into fermentation, in an impure vessel, all the bad thoughts and bad actions which are engendered by mutual corruption." Again: "In those places crime is recruited, nourished, strengthened, and multiplied. The bad man becomes worse, the honest man becomes criminal, the sceptic becomes impious, the delinquent becomes a robber, the established villain more perverse, the debauchee more shameless, the depraved more corrupted, the scholar in crime takes a master's degree. In fine, all that a prison can beget of physical or moral degradation, of persistence in evil, of vice, of crime, of all kinds of unlawfulness, has its explanation and its cause in the melancholy signification of these words,—*association in prison*."

The Boston Prison Discipline Society, in their first Report, say, "An acquaintance formed in prison has led many a youth to houses of ill fame; to a familiarity with the names, places of abode, principles of trade and language of counterfeiters; to the arts of pickpockets and thieves; to dangerous combinations in villany; and to personal degradation which the most hardened prisoner has blushed to name."

The visitors of the Baltimore City and County Jail, in their special report made in 1845, after referring to some of the evils above mentioned, say, "The mother who, perhaps, to preserve her little orphan family from want, has committed a first offence, is confined with the most abandoned of her sex; or the virtuous and sensitive daughter and sister, who, by her industry and almost unceasing toil to procure a mere pittance, has preserved her mother and younger brothers and sisters from want (and there are many such in our city) on suspicion of having violated some law of which she is innocent, is thrust into companionship with the lewd prostitute, is degraded in her own estimation, and becoming corrupted, is made worse than when committed."

The New York Prison Association, in their Report of the last

year (1846), say, "Opportunities for mutual corruption are multiplied and fostered; and the honest unfortunate, who, in a thoughtless moment, may have committed some disorderly act, or the merely suspected, may be here subjected to the contaminating influences of evil associations, and which, added to the odium almost always attaching to imprisonment, is in many cases sufficient to morally debase, degrade, and corrupt him." "So injurious in its consequences is the present system of imprisonment, that with many doubtless good men, it is a question whether the interests of society would not be equally subserved by its entire abandonment, as by its continuance under its present organization."

These testimonies have been drawn from abroad, and were it necessary we might add to them statements made by the Prison Society of Philadelphia, by the officers of our own prisons, and by many eminent private individuals in Europe and the United States, who have published these results of their observations. Enough, however, has been quoted to sustain our position, that the plan and administration of county prisons even in this State, in which there are provided distinct buildings for some classes of *convicted* persons, must have a very important relation to the success of the criminal code.

If the ascertainment of public duty were always sufficient to insure its performance, we might believe without further inquiry that peculiar care had been bestowed by our government, upon establishments so nearly connected as our county prisons with private morality and the due enforcement of social regulations. Unfortunately this department of our administration remained during a long period without judicious attention on the part of our authorities. At length upon the remonstrances of the Prison Society, and after conference between a committee of its members and some of the officers of the government; the act of 1790 was passed, which it was hoped would introduce a general reform of our jails. The horrid condition of the principal jail of the State, viz. that in Walnut Street, in which were demonstrated all of the worse mischiefs above quoted, was thought to present a sufficient admonition to the citizens who might thereafter become responsible for it to the community at large. At the same *time the system of separate confinement was formally approved*

by the legislature ; and thus was furnished an additional reason for a reformation of county prisons.

The advantages of this new mode of confinement were thought to be, that by preventing the association of prisoners, the contamination of the innocent and less depraved by the experienced offender, would be prevented ; that sex and character would find due protection ; that the exposure of hopeful individuals to subsequent recognition and persecution would be avoided ; and that by seclusion and employment opportunity would be afforded to create habits of order and industry, and to cultivate the understanding and the moral sense of each inmate. If, then, under the old system, it was important to subject the county prisons to careful regulation, it became more clearly necessary when they were made introductory to a penitentiary treatment such as that proposed by the law of 1790. In course of time the state prisons assumed a more complete form. Two large buildings, one for the western, the other for the eastern portion of the State, were successively erected ; and great expense, and numerous details of administration were authorized by the legislature. Did the county prisons keep pace with this movement ?

In 1832 the Inspectors of the Eastern Penitentiary presented to the legislature the following statement of their Warden respecting local jails. "In these establishments, scarcely any classification is attempted and no effectual separation is made ; discipline is neglected, corruption increased, reformation is hopeless, and many most flagrant abuses are known to be practised without any mitigation. Convicts received by us from such county prisons may indeed frequently be reformed by our discipline ; the lessons of vice they have learned, when placed in a confinement which the law intended should be salutary, may sometimes be eradicated afterwards ; but the great, the irremediable evil, has already been effected. The persons, &c., of such convicts are known to the great community of rogues, and therefore, even if their reformation be effected when discharged from our Penitentiary, too many temptations to relapse, too many obstacles to their commencement in the pursuits of honest industry, may, and probably will, be encountered by them. Hence our institution cannot produce all the advantages of which it is susceptible, until the county prisons are reformed by the

same plan of separate confinement, &c., which we pursue. If an inquiry into the condition of these prisons could be made, by order of the legislature; I am confident the remarks I have made would be substantiated; and that many important benefits would result from such an inquiry, is the opinion of some of our most intelligent and humane citizens."

Again, in 1833, the same officer says: "I am fully aware that most of the county jails are not fit receptacles for the confinement of prisoners. The information obtained during the past year, fully confirms the opinion expressed in my last annual report, and I know of no subject whatever requiring more imperatively legislative action, than the condition of our county jails. An inquiry authorized by them would elicit startling and appalling abuses, that ought to be known to the community, and which require only to be known in order to receive the just censure of the public, and a prompt and thorough legislative remedy."

In 1835 was passed the act providing for the construction of a new prison in the County of Philadelphia; in a few years after Chester and Dauphin followed; but if we except Berks, whose most creditable prison is not yet completed, what other county can be referred to as having made a step towards the accommodation of its jail to the clear indication of duty?

In her recent tour through our State, that intelligent and experienced visiter of prisons, Miss Dix, found the local jails in such a condition, that she presented to the legislature a most emphatic remonstrance against the toleration of such sources of evil. Thus she says in her memorial (1845): "If it were the deliberate purpose of society to establish criminals in all that is evil, and to root out the last remains of virtuous inclination, this purpose could not be more effectually accomplished than by incarceration in the county jails as they are, with few exceptions, constructed and governed." Of the jails at *Alleghany*, *Erie*, and *Lancaster*, she says that they are a disgrace to the morals and intellect of a community. At *York* she found the prisoners "promiscuously associated, men and women;"—at *Franklin*, "all ages, colours, and degrees of offenders associated;"—at *Washington* were "congregated the old and the young, black and white, men and women, and babies;"—at *Beaver*, "the prisoners were together, a child, the middle-aged, and the man of gray

hairs ;"—at *Doylestown* (Bucks), "two men and two women, committed for immoralities, all occupying one room by day ;"—at *Chester*, "two males and a female, all of them together." We might extend the list, and add the observations of others. Our own have disclosed to us the promiscuous association of which Miss Dix has spoken ; and in more than one county prison we have seen gambling, and heard profanity and obscenity freely uttered amongst the inmates ; but the facts are too well known to need proof at our hands. In the richest agricultural county of our State, in the heart of a city with a population of at least 10,000, (among whom may be found men whose names are known in the remotest sections of our territory,) surrounded by institutions of religion and learning, and open to the inspection of any respectable citizen, stands one of the prisons mentioned by Miss Dix. In each of these rooms sleep from ten to twelve prisoners, of many shades of character. By day the inmates flock together in the yard and in the rooms and passages, without distinction of age, colour, or cause of commitment. They are without regular employment, or instruction.* Some of the citizens have become convinced of the need of reform in construction and discipline ; but the sluggishness of some, the apathy of others, and the general regard to what is falsely styled *economy*, have hitherto prevented any effectual measure. The presiding judge of the district, and several grand juries have in strong terms censured the inhabitants for permitting the continuance of such a stain upon the character of the county ;—so hurtful a school of vice—so unjust a mode of confinement : these censures have been seconded by members of the bar and others, but in vain.

It appears then, that, while building and maintaining costly penitentiaries, we have left those essential and primary buildings, the county prisons, almost unchanged. How far this neglect is chargeable upon the legislature, how far upon the authorities of each county, we shall hereafter inquire.

* We recently saw in this (Lancaster) jail a white boy of apparently 14 years of age who was locked in a room at night with nearly a dozen blacks. Upon our inquiring amongst other things how often he had been committed, his answer was partly given, "about a dozen times," and was received with a shout of laughter by his adult companions. What hope for that boy !

ART. II.—*Separation of Untried Prisoners.*

THE following report of a recent debate in the British House of Commons, explains itself so fully at the outset, that it scarcely needs either an introduction or an apology for its republication in this place. The question of the isolation of untried prisoners, which is here discussed at length, has long been regarded by the friends of prison discipline reform, as of vital importance; and in our own State,—at least as far as the theory can go, however imperfectly it may be reduced to practice—the necessity of separation before trial, has long since become a settled rule.

Everything that can throw light upon the subject in its practical bearings, is of special moment to the citizens of Pennsylvania at the present time. Those who are familiar with the wretched condition of nearly all our County Jails will admit at once, that no inquiries of this kind can be too prominently brought before the readers of this Journal, if not before the community at large. We have no hesitation therefore, even at the risk of apparent repetition, in appending to the able and interesting exposition of our correspondent in the leading article of the present number, the negative as well as the affirmative portion of the argument submitted to the Parliament at London by statesmen of the highest standing in that noted body.

PRISON DISCIPLINE—THE SEPARATE SYSTEM.

LORD NUGENT rose to move for leave to bring in a bill to repeal so much of the act of the 2d and 3d Victoria as gave power to magistrates, under the sanction and approval of the Home Secretary, to inflict separate imprisonment upon persons committed for trial, a power which appeared to be inconsistent with every principle of general justice and with the whole spirit of our criminal code. It would be urged, no doubt, that this power was highly important, as affording the means of preventing contamination, and it was very convenient with a view to uniformity of jail discipline. But he would maintain, on the contrary, first, that we had no right, upon the pretext or for the sake of any supposed benefit whatsoever, to force into separate confinement, those whom the law held free from all crime or blame until duly and lawfully convicted; and, secondly, that uniformity of discipline in the case of criminals, and those whom the law held to be innocent was of itself at variance with all principles of good discipline, and had a direct tendency to break down that barrier which should be ever and above all respected—the barrier that

separated in public opinion, and ought to separate in treatment, the guilty from those whom we were only justified in holding in detention, and whom, until found guilty in due course of law, the spirit of our common law and the rules of natural justice accounted innocent. By the act in question power was given to magistrates at quarter sessions to draw up a code of regulations for the government of their jails, to be submitted to the Home Secretary, which regulations, after having received his approval, acquired the force of law; and, in all prisons constructed within the last few years, with a view to give effect to the separate system (not including Pentonville, of course, because it was appropriated only to the reception of convicts), the separate system was applied equally to the convicted and the untried. Now, in his (Lord Nugent's) opinion, this experiment of reformatory discipline (for an experiment only it still was, and requiring the most constant and cautious attention in its application in order to prevent abuses) gave promise of the establishment of a good and wholesome system, as applicable to convicted persons; but let the house mark what power the regulations of these jails gave to the magistrates. These regulations peremptorily separated both the convict and the untried prisoner from all society of his fellow-creatures. All prisoners were peremptorily excluded from holding communication with any friend or relation outside the jail except by letter, which letter must come open, or might be opened by the jailer. Was this tolerable, as applied to unconvicted prisoners? A letter from husband, wife, parent, child, brother, friend—a letter of the most private character, a letter of affectionate sympathy,—was admitted only with the permission and the privacy of the jailer, who was thus made the official confidant between husband and wife and nearest relatives. (Hear.)

It would be said that this was necessary in order to prevent improper communications with accomplices out of doors; but he (Lord Nugent) would take leave to say that an unconvicted man had no accomplices (hear), and that no considerations of convenience could justify such a wound to the happiness and the rights of an unconvicted man. This provision, too, was absolutely futile. The untried were allowed to hold confidential communication with their legal advisers, in order to prepare for their defence, and thus an obvious channel was open, through which any communication might take place with persons outside of the jail. So that this appeared to be a tyranny without a purpose, and absolutely inoperative for any useful object. But suppose that friends or relations outside the jail should wish to suggest to a prisoner means for conducting his own defence, where no attorney should be employed, and suppose that defence should be founded upon some alleged misconduct or irregularity on the part of the committing magistrate; this letter would be opened by the jailer and carried by him to the visiting magistrates, among whom might be the committing justice himself, who would doubtless consider that to be very objectionable matter. (A laugh.) It would be said that this was supposing an extreme and most improbable exercise of the power in question; he (Lord Nugent) trusted and believed it was, but the law of England professed to protect the subject against any supposable power to do injustice. This secret inquest into the means adopted by a prisoner or his friends for his defence was in conflict with the whole spirit of our jurisprudence; and it was the boast of our law,—let us not make it a vainglorious boast,—that it left no wrong without a remedy. Prisoners were permitted to receive visits once or twice a week, but not oftener, unless under special permission from the visiting magistrates, and these visits from husband, wife, or dearest friend, must be held in the presence of that eternal confidant, the jailer, or one of his wardens, and with the gratings keeping the prisoner and the visitor some eight or ten feet apart; this was a punishment as inflicted upon the untried which the spirit of our laws did not sanction, nor would public opinion sanction it, if it were well known. (Hear, hear.)

But he (Lord Nugent) would now refer to some of the highest and most respected authorities upon the subject of separate confinement; and every one of them would be found to describe and recommend it as being reformatory punishment.

Take up the first report on Pentonville prison. Sir J. Graham, in his letter, treated this system as "throughout probationary, to prepare criminals for transportation," and as a measure "for regulating punishment." This discipline, in fact, differed from what was applied to convicts only in this remarkable respect, that convicts were sentenced to hard labour, which could not practically be supplied to the unconvicted, and hard labour was described by all these authorities, not as an additional punishment, but as a relief from the horrors of separate confinement. Colonel Jebb, surveyor-general of prisons, in his report last year, spoke of the effects of separate imprisonment, but treated it only with reference to punishment; and he said,—"Persons under the separate system are induced to work from the very irksomeness of idleness."

There were much stronger statements in the evidence of Mr. W. Merry, who was one of the principal authorities concerned in giving effect to the system in the construction of Reading Jail, and who said, in his examination before the Lords' committee, on the execution of criminal law—"I believe there is not a man who would not escape from a separate cell, and go upon the treadmill if he had the opportunity." The chaplain of Aylesbury Jail, a most worthy, and excellent, and attentive officer, had given him (Lord Nugent) the same opinion, that the punishment was thus made much heavier upon the untried than it was upon the convicted, because employment could not be found for the former. The Rev. John Field, nearly twenty years chaplain of Reading Jail, a person of very high authority upon this subject, but who differed entirely from him (Lord Nugent) upon the question of the application of this system to untried prisoners, said in his book,—"As a general rule, I assert with confidence, that when secluded, prisoners prefer the hardest and under other circumstances, the most irksome labour, to idleness which is constrained."

Now, to unconvicted prisoners, idleness was constrained; and thus their punishment was rendered more severe and their condition more penal than that of the convicted. Mr. M. D. Hill, the recorder of Birmingham, gave the same opinion; it would be found in the report to which reference had been already made. He thought the system might heighten the effect of punishment, but that the great use of separate confinement was as one stage of reformatory discipline. But the report abounded with evidence to the same effect. In the second report it was stated that the prisoner, especially during the first few months, was strongly impressed with a due sense of his penal condition; that separate confinement compelled him to reflect, day after day, on the privations he was suffering as the punishment of crime; and this "punishment" was to be inflicted on men who had never been convicted. It went on, speaking of this separate system,—"It is sufficiently severe as a legal punishment in itself."

In another part of the report it would be found that that enlightened and upright Judge, Mr. Baron Alderson, said,—"It appears to me that no effectual reform in prison discipline can take place so long as our country jails remain on their present footing. What is wanted is to have houses of detention for untried prisoners, and distinct penitentiaries for criminals." There never could be a proper system of jail discipline without that; and the two establishments ought not to be under the same roof, nor under the same government. (Hear, hear.)

This system of separate detention was a punishment much more severe to the poor man than to the rich; the rich man could have the sympathy of his friends under the loss of liberty and suspension of character, but the friends

of the poor man could not spare either their time or the expenses of travelling to and staying at a county town; and the rich man could relieve his mind in solitude by reading and writing, and communing in his own mind with what he had read before. But the health of the poor man, his mind's health, required more than that; he needed communication with his friends, and from that he was entirely debarred, excepting that sort of communion which he had already described. Why did he refer to these authorities? Why, in order to show that in the opinion of all who were the most conversant with the system, it was desirable only and to be recommended as a very severe and formidable reformatory punishment. He might be asked, perhaps, why, if it were reformatory, it should not be applied to those prisoners who had not been convicted as well as to those who had? The answer was plainly this—you had no right to apply a reformatory system to an untried prisoner; you had no right to pronounce him in need of reformation; in so doing you would be acting in a spirit contrary to the whole presumption of the common law, as declared by your judges and your commentators, who laid it down as a fundamental principle of that law that a man should be held to be innocent until he had been convicted of a crime. Therefore, if you subjected an untried prisoner to this system, he would have a perfect right to say to you, "You have no more business with my reformation till I have been found guilty than you have with the reformation of his worship who committed me. His worship suspected me of crime upon evidence, and committed me accordingly for trial: he thereby did his duty, but my answer is 'not guilty'; that is the issue to be tried, and until that is tried, and the verdict pronounced, you have no right to put me under a penal and reformatory system."

There were, no doubt, obvious cases of exception, but the general principle was, that as much freedom should be extended to the untried as was consistent with moral discipline and good order in the jails.

First, there was the case of very young persons being committed for trial; for obvious reasons they should not be allowed to associate with persons under suspicion of having committed an offence. But the condition of a child was very different from that of an adult. The child had no civil rights whatever, excepting to humane treatment, and to a due attention to his moral and physical requirements. The state was *in loco parentis* with respect to him, and had, imposed upon it, the duties of his guardian and the same as were imposed upon his natural parents. There were other exceptional cases.

Persons, for instance, who were committed under a charge of a certain class of offences, which he need not particularise, would be extremely improper persons to be allowed, even under suspicion, to associate with each other.

Perhaps, also, persons who had already been convicted ought to form an exception. But these exceptions were easily dealt with. They were cases in which a special report might be made by the committing magistrate to the Secretary of State for the Home Department, who should have the power in such cases to authorize the application of the separate system. There was one observation he would presume to anticipate might be made by the right hon. gentleman the Secretary for the Home Department. It was very probable the right hon. gentleman would say, that the principal part of, if not all the grievance, which he (Lord Nugent) had stated, might be obviated by shortening the time of imprisonment before trial. No man could feel more than he (Lord Nugent) did how much was owing to his right hon. friend for his most praiseworthy exertions in that respect; but he must say, that if in the statement he had made he had not exaggerated or misstated anything (and he would challenge his right hon. friend to point out any misstatement),—then to talk to him of shortening the duration of a punishment which was in itself a wrong was an aggravation of that wrong,—that it was in itself an injury which ought not to be tolerated for one month or one week, or even one day. Thanking the

house for its kind indulgence while making a statement which was not in itself at all inviting, he would not abuse its attention by offering one word of criticism or comment, but would conclude by submitting the motion, the terms of which he had already stated to the house.

Dr. BOWRING seconded the motion.

Sir G. GREY said that, giving his noble friend, as he really did, every credit for the motive which induced him to make the present motion, he felt it his duty, in the very outset to offer his most decided opposition to it, because he thought the introduction of any such bill would have a most mischievous effect, by inducing the country to believe that the Government were no longer convinced of the policy, the expediency, and the importance of maintaining that portion of the act of the 2d and 3d Victoria, cap. 56, which his noble friend proposed to repeal; that portion of the act, being, in his (Sir G. Grey's), opinion, one of the most valuable parts of our present system of prison discipline. He would state to the house what the provisions of that act were. The act was passed on the 17th of August, 1839, and was entitled, "An Act for the better ordering of Prisons." By the 2d clause it was enacted,—“That the persons authorized by the law to make rules and regulations, to be submitted to one of Her Majesty's Principal Secretaries of State, for the government of any prison in England or Wales, shall be empowered, if they shall think fit, to make rules for a different classification of prisoners of each sex in such prison, or for the individual separation of all or any of the prisoners confined therein, with due regard to their proper supervision, religious and moral instruction, and employment, and from time to time to alter or add to such rules; and the Secretary of State, if he shall think that the rules so made and submitted to him for a different classification of prisoners of each sex, or for the individual separation of prisoners, are fit to be enforced in that prison, shall subscribe a certificate or declaration that they are proper to be enforced, and the rules so made and certified, but not until they shall have been so certified, shall be enforced.”

Then, by the 3d clause it was enacted,—“That, in order to prevent the contamination arising from the association of prisoners in any prison in which rules for the individual separation of prisoners shall be in force, any prisoner may be separately confined during the whole or any part of the period of his or her imprisonment, under the restrictions hereinafter provided.”

By the 23d clause it was expressly stated, that the term “prisoners” should include persons committed to prison for want of bail or sureties, as well as persons charged with, or convicted of any offence, or otherwise detained by legal authority. Now, the fallacy which his noble friend laboured under was this,—he conceived that this system, as applied to untried prisoners, was applied as a penal system. But it was not applied to them as a penal system, but as a most beneficial and highly protective system. (Hear, hear.)

His noble friend thought that the power vested in the visiting magistrates, to subject untried prisoners to this system, was a most unjust and monstrous power, and his noble friend had defended that proposition upon the maxim that a person committed to prison was in the eye of the law held to be innocent until he was convicted. Now, he (Sir G. Grey) was quite ready to admit the truth of that maxim; and there was an essential difference always made between the treatment of prisoners who had been convicted and those who had not, and who were awaiting their trial. But surely his noble friend did not mean to say, because persons who were detained on a charge of having committed an offence were, previously to their trial, held in the eye of the law to be innocent, that, therefore, they were to be treated in all respects as innocent persons?

When a man was charged with having committed murder was he not arrested, was he not torn from his family, and subjected to a deprivation of

his liberty, and required to conform to the rules of the prison to which he was committed?

All these proceedings were perfectly consistent with the old system, when prisoners tried and untried were indiscriminatively mixed together, without any classification whatever; a system fraught with so many evils that the Legislature had discarded it altogether. The act which his noble friend would in part repeal was the result of an inquiry into the abuses of the old system; and that act substituted a system of classification which had been approved of by men of all countries.

His noble friend had said, that they had no right to apply a reformatory system to untried prisoners. He must say, that that was the most extraordinary doctrine he had ever heard upon this subject.

Persons charged with the commission of crimes were necessarily detained in prison, and his noble friend maintained that, while so detained, no regard whatever should be paid to their moral state or condition, and that they stood in no need of moral discipline. His noble friend must have overlooked altogether from what class of persons convicted prisoners came. Did not the convicted prisoner of to-day belong to the class of untried prisoners of yesterday? If the convicted prisoner required discipline, did not the unconvicted prisoner also? Could the unconvicted of yesterday, but the convicted of to-day, have been so absolutely free from all habits of vice and corruption as not to require to be placed under any reformatory process?

The whole object of subjecting untried prisoners to separate imprisonment was for their own good, and to protect them from that contamination which must arise from a want of such separation; in fact, it was an arrangement which must be applied, if any system or classification were adopted.

He wished to refer to some documents, a portion of which had been already laid before the house, and which he thought would be satisfactory to hon. members, and induce them not to consent to the views taken by his noble friend.

The ordinary result of committing a man to prison was that he came out a worse man than when he entered it. This was not true only of men who had been suffering under a sentence for crimes of which they had been convicted, but also of men who belonged to that class of innocent men—not presumed innocent, but really innocent,—men who had been tried and acquitted. He need not refer to evidence to prove that prisoners who had been committed and subsequently acquitted came out of prison adepts in crime, although when they went in they were free from all taint. This system which his noble friend wished to abolish was not an experiment lightly to be abandoned. It had been adopted after the most mature consideration, and had been found to operate most beneficially. He would read an extract from the report of the Select Committee of the House of Commons on Secondary Punishments, which was presented to the house in 1832:—

“Efforts have of late years been made to remedy these evils by the classification of prisoners, but the result has been far from satisfactory. By the Gaol Act, 4 George IV., cap. 64, no provision is made for dividing prisoners before or after trial into more than two classes. The larger prisons, especially those in and near the metropolis, usually contain several hundred prisoners, whose periods of confinement before trial vary from a few days to several months. It is hardly necessary to remark, that any classification, with the inadequate means provided by the Gaol Act must be inefficacious,—that, in the case of untried, it must associate the most hardened offenders with those who may be guiltless of crime, and that even an innocent man sent for trial can hardly escape contamination. Your committee are of opinion that none but a moral classification can be effectual, but they fear that the difficulties which stand in the way of such a classification, whether as regarding prisoners before or after trial, are nearly insurmountable. If such be the difficulty of

establishing an effective system of classification, your committee see no alternative but that of the separation of prisoners both before and after trial. . . . They are aware that a proposal to inflict on prisoners before trial any restraint beyond what may be necessary for their safe custody, is likely to shock the opinions of many who may be disposed to consider it in the light of punishment inflicted without proof of delinquency; but your committee are of opinion that such a separation of prisoners should be regarded rather as a boon than a punishment. Not only will the evils already detailed be avoided, but even with reference to the comfort of the prisoners, it may, in most cases be considered an improvement, since to those not hardened in crime, the association with the reckless malefactor, and the horrors of such companionship, must prove an infliction ten-fold more severe than the partial seclusion to which it is proposed to subject them. All the witnesses examined on the subject agree in this opinion."

There was a report of a select committee of the House of Lords, of which the Duke of Richmond was chairman. The committee sat in 1835 or 1836, and expressed similar opinions to those he had just read. He would now call the attention of his noble friend (Lord Nugent) to an extract of a report made by a gentleman who was very well known to many gentlemen in that house; he meant the Rev. Mr. Clay, chaplain to the Preston House of Correction. It was dated October, 1844. After describing the reception of prisoners, he said:—

"A prisoner thus received is generally either committed for trial at the sessions or under a summary conviction. In the former case he has the option of passing his time with other prisoners similarly circumstanced (i. e., in the work-room during hours of labour and in the yard during meal-time); or of being placed in one of the new cells, and entirely separated from all association. Wherever any sentiment of self-respect remains—wherever sorrow or a sense of disgrace is weighing on the mind, the offer of separation is gladly embraced. On the other hand, the old offender, the thoughtless, the callous, prefer the work-room and the unrestrained conversation, during meal-hours, of the yard." In the report from the same gentleman in the following year, he said:

"It was not until 1840 that separate confinement after trial was resorted to, and then under many disadvantages. The many evils of permitting the untried to associate still remained unremedied, and it became evident that, especially with regard to boys, no after discipline could stay the growth of the corruption which they had contracted even in a few days' exposure to that association. The necessity, then, for removing such evils could no longer be resisted. Accordingly, in June, 1844, all boys committed for trial were at once placed beyond the reach of contamination, and in the summer of the present year (1845) adults were, for the first time, similarly treated." He added,—“Should it be objected, that to separate the untried is to punish them, and that punishment must not be inflicted until guilt is proved, I would reply, that a prisoner committed for trial must be either guilty or innocent—an adept in crime or a novice. If the former, separation is no injustice to him, for he has no right to be placed among those whom he would contaminate; if, on the other hand, the newly committed prisoner should be innocent, or unused to crime, he has a right to be protected from influences which would inflict upon him a horrible and irreparable injury."

But, not only in our own country, and from gentlemen who had given their attention to the subject of prison discipline of late years, had this system the sanction of authority, but foreign authorities of the greatest weight were in favour of the system, perhaps more decisively than even in England. M. de Tocqueville, in the *Rapport du Projet de Loi sur les Prisons* to the Chamber of Deputies, in 1843, said,—“The writers who have hitherto treated of the subject of prison reform have differed as to the question of the discipline to which convicted prisoners should be subjected; but they have

all concurred in the expediency of separating untried prisoners from each other, and of resolutely preventing any communication between them. They have thought that the inconveniences were very few and the advantages great in preventing all communication whatever between such prisoners." He added, in a subsequent passage,—“To detain an accused person in prison until his innocence is proved is a measure of rigour; but to compel him, while awaiting his trial, to live in the midst of a society of criminals, is equally impolitic and cruel.” He proceeded afterwards to show the absolute failure of any classification of untried prisoners to prevent contamination and corruption. Again, the same sentiments had been expressed in Belgium. In 1845 there was presented to the Chamber of Representatives in Belgium an elaborate report upon a prison law for that country, in which the same views and opinions were expressed, and various authorities of weight and experience were quoted in support of the separation of untried prisoners, not as a measure of punishment, but as a benefit to them; the object being to prevent the demoralization which had been invariably found to result from association in prison. His noble friend might also be aware that this question was discussed at the Penitentiary Congress held at Frankfort in 1846. On that occasion M. Julius, Inspector-General of Prisons in Prussia, said in the course of a speech which he then delivered,—

“It is only in our own days that the separation of prisoners from each other has been considered as the basis of every penitentiary system. This separation is of especial importance with regard to those who have not yet been convicted. Both in their case and that of the convicted, the object is that the good shall not be corrupted by the bad, and that the bad shall not be made worse.” M. le Comte Skarbek, inspector of prisons in Poland, expressed similar opinions, as did M. David of Copenhagen, and M. Ardit, Under-Secretary to the Minister of the Interior in France; all of them stating that the separation of untried prisoners was essential to a reform in any system of prisons.

Mr. Adshead in a valuable pamphlet on the jail system in this country, referred to the resolutions agreed to at that Penitentiary Congress, at which he was himself present. The first of these resolutions was, “Separate or individual imprisonment ought to be applied to prisoners before trial, so as entirely to prevent all communication between them or with other prisoners, except in those cases in which the magistrates, in accordance with the request of the prisoners themselves, think fit to allow them some communication within limits prescribed by said law.”

His noble friend had adverted to two or three authorities, including Mr. Merry and Mr. Field, the latter of whom had written a pamphlet advocating in the strongest manner the separation of untried prisoners. He agreed with his noble friend in thinking it advisable that there should be houses of detention quite separate from houses of correction; but, unless untried prisoners were kept apart in the houses of detention, the consequences would be as mischievous as the communion of prisoners after conviction.

In accordance with the suggestion of Mr. Baron Alderson, there had been a house of detention prepared for the county of Middlesex, in which provision was made for the separate imprisonment of each prisoner.

His noble friend had complained that these prisoners were unable to communicate with their friends out of doors, but the regulations to which he had referred had nothing to do with the separate system of imprisonment, but formed part of the general regulations of the prison. The untried prisoners were allowed the freest intercourse which the regulations of the prison would permit with their friends and relations and their legal advisers, and there were many other deviations in their case from the strict system applicable in the case of tried prisoners. He would refer his noble friend to the report of

the Inspectors of Prisons, dated 8th August, 1845, in which they described this system as applied to untried prisoners. They stated that:

"The system of separation between prisoner and prisoner is admirably adapted to the condition and circumstance of the untried, and fully secures the just rights and privileges of that class of prisoners. Their feelings and necessities are consulted; they are provided with a commodious, well-lighted, and well-ventilated cell, fitted with everything necessary to supply their real wants; they are supplied with a sufficiency of good food; they are protected from the sight and hearing of all their fellow-prisoners; they can at any time have the attendance of an officer of the prison or of the governor, chaplain, or surgeon. They can see their friends and legal advisers; they can, without impediment or interruption, calmly deliberate upon their defence, and take all proper means to meet the trial that awaits them. They may send or receive letters; they may read unobjectionable books; they may, if they desire it, be furnished with suitable employment; they have the privilege of attending public worship; can take daily exercise in the open air; may receive food other and beyond the prison diet; they are exempted from perplexing regulations; they are tempted to no violation of prison discipline; they are spared the infliction of prison penalties; there is no one to hurt their person, provoke their temper or corrupt their morals. They can occupy themselves in useful work, in profitable reading, and in tranquil meditation, uninterrupted save by the visits of those who come to minister to their physical, moral or religious wants, or to aid them with comfort or professional advice. Would the relatives or friends of any prisoner, who have a proper regard for his best interests, hesitate to prefer such a mode of confinement to any other that has been practised or devised? Between the advantages of separation, and the degradation and depravity of association, on the one hand, or the restraint, exposure and severity of the silent system, on the other, we feel convinced that no comparison can be sustained."

He begged pardon of the house for detaining them so long with the extracts which he had read, but he had referred to them mainly for the satisfaction of his noble friend, in order that he might know that this subject had been very fully considered by men of enlightened views. While he gave his noble friend credit for his motives in bringing forward this motion, he hoped that the house would not adopt it, because he thought that it would be a retrograde step (hear, hear), one which would be most objectionable in principle, and destructive of all hope of reformation and amendment. (Cheers.)

Dr. BOWRING observed, that he had seconded the motion of the noble lord because he could not help feeling that the noble lord had made out a *prima facie* case, and, therefore, it demanded some attention on the part of the house. He had, however, been much struck by the statement made by the right hon. gentleman the Secretary for the Home Department, whose argument had changed his previous convictions on the subject, and therefore, upon the whole, he recommended his noble friend not to press his motion.

Viscount MAHON did not rise to prolong this discussion, because he concurred in what had been stated by his right hon. friend the Secretary for the Home Department, but he should be glad to know from him what general regulations he intended to recommend on the subject of prison discipline. At the end of the last session this subject was left in a very unsatisfactory state. Lord Grey made a declaration that the Government intended to put an end to transportation as a punishment, but that declaration had not been carried out by the Government. In the course of the session the Government introduced two bills, one of which (the Custody of Offenders Bill) passed into a law, and related to the disposal of convicts who had hitherto been sent out of the country, the other referring to prison discipline in general, which was subsequently withdrawn. His right hon. friend had promised to bring in a bill upon the latter subject. He was aware that the state of public business made

it difficult to discuss this question at present, but he wished to know when the house might expect to see the bill laid on the table. It would very much conduce to good legislation if the right hon. gentleman would introduce the bill some time before he called upon the house to discuss it.

Sir G. Grey was understood to say, that the bill of last session to which the noble lord referred (the Prisons Bill) did not relate to prison discipline generally, but was intended to carry into effect the recommendations made for the regulation at Millbank Prison. He was not prepared to introduce a bill in that form at present, but a bill upon the subject would be introduced. With regard to what had been said on transportation, the whole question was attended by very great difficulty and embarrassment, and he fully admitted that the act which was passed last session would not carry out the plan originally announced by the Government.

Lord NUGENT, in reply, said, that after the assurances which his right hon. friend had given, and after hearing the general tone of his speech, he would accede to the suggestion of his hon. friend opposite, and not put himself in opposition to the general feeling of the house, if it should be of opinion that the motion had better be withdrawn.

Motion, by leave, withdrawn.

London Evening Mail, Feb. 2-5, 1848.

ART. III.—*British Penal Discipline.**

THE following article has been already made in some degree familiar to American readers, through the pages of an excellent periodical of our own country. It was originally published in the *London Quarterly Review*, where it appeared under the caption given in the foot note on this page, as a review of the prison discipline and secondary punishment questions, still under discussion in Great Britain.

We agree with the editor of the American periodical in regarding the paper as a very fair indication of the views on prison discipline, which have recently prevailed in Europe. Many of these views are well known to the readers of this Journal, and we would not now propose to reproduce them even in this authoritative shape, and notwithstanding the clearness with which they are set forth, were it not for the peculiar connexion in which they are presented, and the numerous important and interesting statements with which they are accompanied. The accounts of

* 1. Reports of the Commissioners for Pentonville Prison. 1843-1847.

2. Reports from the Committees of the Lords appointed to inquire into the Execution of the Criminal Law, especially respecting Juvenile Offenders and Transportation. 1847.

3. Prison Discipline, by the Rev. John Field, M. A. 1846.

4. *Traité des diverses Institutions Complémentaires du Régime Pénitentiaire.* Par M. Bonnevillle, Procureur du Roi. 1847.

Pentonville experience, exhibited in these statements, give quite a different aspect to the picture of that establishment which has been triumphantly, but with a great show of candour, displayed before us in certain recent publications; and we gladly give them prominent place in the pages of this Journal, in preference to any *exposés* and comparisons of our own, because they were made upon the spot, and, being issued under the sanction of a leading British quarterly, cannot be regarded with the partisan mistrust that too frequently attaches, among general readers, to the labours of our friends at home.

Some of the ideas of the writer are, naturally enough, not altogether in accordance with our own opinions and those of many of our fellow-labourers in the cause of penal reform. Certain questions, too, have been glanced at with which we have no desire, in this place, to interfere. Still it is not easy, without doing unreasonable violence to the essay as a whole, to omit the passages that may seem exceptionable, or at least of no essential value. We have preferred, therefore, to reprint it entirely, believing, with the previous American editor, that the facts which are adduced "will be read with profit, whatever may be thought of the conclusions and assertions of the writer"; and believing also that these conclusions and assertions are too valuable and respectable in themselves to be treated either with neglect or partiality in their introduction here.

Our treatment of criminals is at this moment influenced by two theories, which are in their tendencies almost diametrically opposed to each other. "The principal object of punishment," says Mr Baron Parke, "I take to be the protection of society by deterring the offender from the repetition of his crime, and others from following his example, by the pain and inconvenience he sustains;" and the same opinion is maintained by almost all, if not by all, this eminent Judge's brethren, not only of the English but of the Scotch and Irish benches at this time. By these authorities—weighty and grave ones, it will be owned—amendment is considered as secondary, and to be looked to only as it may aid in diminution of crime. On the other hand the reformation of the culprit is the primary object in view of Lord Brougham, of Mr. Hill (the Recorder of Birmingham), and numerous reasoners—some of whom have come to this conclusion on *a priori* grounds, others on the alleged failure of the system of "repression."

It is of great importance that the public should have definite notions on these antagonized principles, so as to ascertain whither, if fairly carried into practice, each will lead us. The "deterrent" acts on the passion of fear in its various aspects of disgrace, shame, and corporal pain—a passion supplying some of the strongest motives to the will. The opposed principle is simply *and strictly educational*—willing to inflict no more pain than is absolutely necessary to further the conversion of the individual, and postponing even this *modicum* to such other means as may effect that end without its aid. Under

this system our jails are to become so many schools, where the only punishment, using the term in its ordinary acceptation, is about as much bodily restraint as is enforced in many of our own scholastic institutions—and much less than that submitted to in the monasteries and convents of other countries.

The contrast of the theories is brought out strikingly in the answers to the Committee on Criminal Law.

"I hold," says Lord Denman, "the only legitimate end of punishment to be to deter from crime. But I think I perceive in some of the theories of benevolent men such a mode of administering the criminal law as to encourage instead of deterring."

"By a reformatory system," says Mr. Hill, "we understand one in which all the pain endured strictly arises from the means necessary to effect a moral cure. *A prison becomes a hospital for moral diseases.* The prisoner may be called a patient, while the various officers of the prison will gradually attain the position in his mind of persons exercising the healing art, and be no longer regarded as the agents of vindictive power."

While we entertain some doubts as to the existence of any mental process which shall gradually confound a warder in the prisoner's estimation with a doctor, we can have none as to the rashness of expressions which invest the statutes at large with the caprice and the malice of unchastised passion. Legalized punishments may or may not be too severe; but in what sense is criminal law *vindictive*?—of what vindictive power is the turnkey the agent? Surely a vindictive Criminal Statute is as much a figure of speech as a hard-hearted treadmill. Burke did not fear to brand with stern censure the "loose comparisons" and the "gross discriminations" in the use of such terms as "the poor labourer," or the "poor soldier," as if the very foundations of the social structure did not demand this condition in both classes of men. In our own times as much notice is demanded by the currency of phrases which tend to weaken the hands of justice and fling into its scale a bias of false philanthropy. Such cant might at least be left to the melodramatist and novelist of congenial fibre.

We have just seen it broadly stated that to punish for the purpose of deterring is not admissible save only as accessory and incidental. The general question, therefore, is mooted—whether or not punishment be just? We know how complete a form the argument has assumed as relates to the pain of death, and it cannot be doubted that the effect of it has reached the category of secondary punishments also. But, in spite of these new theories, is it the fact that the mind and conscience of our nature have been changed; is it no longer true there is that in every heart which proclaims or whispers that every dereliction of duty is worthy of *chastisement*? Are men now able to entertain the same opinion of the thief as of the honest citizen? Hitherto, under every phasis of society it has been deemed just that crime should be punished. So strictly natural and necessary has this seemed, that in a thousand acts of which no law can take cognizance, society inflicts a chastisement ten times severer than that of the statute-book. The loss of character, for example, entails the loss of livelihood, and hence often of life; under circumstances of great mental and bodily suffering. Has all this been a mistake? "Are we all," (as Carlyle says,) "effeminated in this very dreary, very portentous babble of *abolishing capital punishment*, &c.—all for sending Judas Iscariot, Courvoisier, Praslin, Fawell, and Nature's own Scoundrels teachable by hellebore, to the schoolmaster instead of the hangman or the cesspool? Are we for carrying this philanthropy out? Ought society to consider the liar, the slanderer, the extortioner, the tyrant, the robber, the ravisher, the assassin—as merely labouring under moral malady, fit therefore for tender care which humanity bestows on the fatalities of disease? Is it, and has it all along been a mere blunder to distinguish practically badness from madness?"—If so, we cannot stop where Mr. Hill contemplates. "Oh!

that I could get my son placed at Mettray," said a French mother, "but that is impossible—he is neither a beggar nor a thief.—Il n'a ni mendié ni volé." Turn to any page of the Reports now before us, and you will find the poor man tempted and tempting his offspring to some petty larceny which shall lay on the parish, the county, or the country the burden of first supporting, ultimately of transporting him—a very natural consummation of those doctrines which would confound a most extended and careful *education* with punishment. Offer to the humbler classes of our countrymen the training of their children in the choicest spots of the land, such as Parkhurst—absolve them from all further care and cost—educate the child intellectually and morally—teach him a trade, and then take him, free of expense, to a good, though distant labour market—how few would be left to tenant our jails! If you believe and act on the belief that *punishment* has no tendency either to reform a culprit or to keep away from crime those who know that crime is punished—in short, that our fears have no influence on our conduct—allow the virtuous parent at least such a perspective of good for his child as you hold out to the deprived.

We are told that crimes are on the increase, and that, therefore, punishment has not acted as a deterrent. The answer is, that however the aggregate of offences may continue to increase in a rapidly multiplying and condensing population, it by no means follows that they would not have increased in a far greater ratio had there been no system of punishment in the country. But how to get rid of the *all but* unanimous opinion of the Judges (there is really, we think, only one exception)—that the relaxation has already been carried at *least* far enough? How are we to get rid of the facts of their own experience which these judges make? How are we to get rid of the facts adduced by Sir James Graham but a few months ago in Parliament—showing that the relaxation of penalties in some of the greatest crimes has been followed by a large increase in their number—that forgeries have increased 100, arson 60, and rape 90 per cent. since they ceased to be capital offences? (*Times, Friday, June 11, 1847.*)

On the question of capital punishment we shall not dwell—we have more than enough before us without recurring to a subject which has already been treated at some length in these pages. As respects the conflicting theories stated at the outset—the *Jurist*—who could not be more worthily represented than by Lord Denman, Lord Justice-General Boyle, and Lord Chief Justice O'Doherty—still adheres to his ancient doctrines. The *Jurist* still holds his province to be simply the protection of society. He takes cognizance of the acts of man, and has nothing to do with his intentions, which belong (he says) to the domain of the moralist. The former deters, the latter amends. These two governing principles are distinct, but not opposed. Justice can never be immoral, nor morals unjust. But the motives of crime cannot be arrived at by the Judge—or, if at all, too imperfectly and rarely—while there are a thousand instances of offence against the moral law which admit of no legislation, and are left to the execration of mankind; such are ingratitude—hard-heartedness—pride—malice—avarice, and a hundred other forms of vice which destroy a life without spilling a drop of blood—rob without stealing, and torture with a more exquisite pain than wheel or rack. The State, however, can set both these principles into action, for its functions include the duty of elevating the moral as well as that of protecting the physical welfare of its dependants. The difficulty has hitherto been to discover a system as to the less heinous class of criminals, which shall at once punish to deter, and amend to restore; and we believe the problem will find its solution in the careful and watchful working of that kind of secondary punishment known as the Separate System. We say advisedly "careful and watchful." For there is much to fear from those who would abuse the deterrent principle, and who, seeing no *punishment* in solitude, would aggravate it by additional restrictions and penalties. On the other hand, they who abjure this principle will endeavour to

denude the discipline of wholesome severities, leaving nothing to it but the name of punishment;—and crime will be at a premium whenever the fear of inflicting penalties shall be livelier with the authorities than the fear of suffering penalties in the culprit.

The theory of the Separate System was clearly laid down in 1775 by Paley, in his "Moral Philosophy." His chapter on Crimes and Punishments anticipates every modern improvement. He argues first in favour of solitary confinement generally. He states secondly, that as half the vices of low life arise from aversion to labour, there might be two means of eradicating this—one by solitary confinement and hard labour, which shall make industry a new habit—the other by solitary confinement with nothing to do, which shall render idleness intolerable. He next proposes that the prisoner should earn his own livelihood, his earnings being left in part or wholly to his own use; also that the measurement of confinement should be not by the days spent, but by the work done, in order to render energetic industry voluntary. After the enlargement of the criminal, he says, the principal difficulty still remains—how to dispose of him: and he meets it by the only wise and clear-sighted view of this great problem, namely, that the State is bound to secure him employment if willing to work; but that it is absolutely necessary that criminals should be separated as far from each other as possible. Paley's system may therefore be summed in a few words—separation with labour during confinement, and dispersion afterwards.

Had these views been as manfully acted upon as they were convincingly propounded, what a source of misery and guilt would have been dried up in our transportation system,—and how little cause would have been left for the inspectors of prisons to term Newgate the "great school of crime!" a just designation—as we could show by a thousand extracts from the life of Mrs. Fry, &c., &c.—but let one from the Rev. Mr. Field's judicious volume suffice:

"I could mention the name of a person who practised in the law, and was connected with very respectable families. He, for a fraud, was committed to Clerkenwell, and sent from thence to Newgate, in a coach, handcuffed to a noted housebreaker, who was afterwards cast for death. The first night and the subsequent fortnight, he slept in the same bed with a highwayman on one side, and a man charged with murder on the other. During that period, and long after, spirits were freely introduced. At first he abstained from them, but he soon found that either he must adopt the manners of his companions, or his life would be in danger In short, *self-preservation rendered it necessary for him to adopt the manners of his associates: by insensible degrees he began to lose his repugnance to their society*—caught their flash terms, and sang their songs, was admitted to their revels, and acquired, in place of habits of perfect sobriety, a taste for spirits; and a taste so strong and rooted, that even now he finds it difficult to resist the cravings of his diseased thirst for stimulants. The artless statement of his wife, who has throughout conducted herself with unimpeachable propriety, and who laboured with her own hands to support her husband when in confinement, will hardly be rejected."—*Field, on Prison Discipline*, pp. 52—56.

It is curious to remark how slowly and in what a piecemeal fashion the views of Paley—promulgated in 1775—adopted by Howard—nay, actually put into practice in Gloucester Jail, in 1796, and there adhered to until 1813, when they were abandoned from motives of false economy—it is curious we say to see how very gradually they faltered into firmness.

Of Howard's three principles of prison discipline—solitary confinement—regulated labour,—religious instruction—some looked mainly to the second. The State of Pennsylvania in 1786 abolished capital punishment for all but the greatest crimes, and substituted hard labour for minor offences. Though this was a step in the right direction, it failed, because the association of evil minds more than neutralized the anticipated operation of habitual labour and

obedience. To amend this, criminal classification with hard labour was resorted to, which was again an improvement, for classification is partial separation. Nevertheless that also failed; and so long as the human heart is inscrutable to human eyes must ever fail. The hardened villain was classed with one who perhaps had committed the same offence, but for the first time, and through the temptation of his necessitous poverty; the boy with the man thief. The result was, that the criminal community was divided into classes of crime—small guilds of vice; each member of which brought into the common stock his own particular experience and aptitude; and the prentice-hand had an admirable opportunity of perfecting itself under the master in the craft. This was so forcibly felt as to lead to one of the most terrible experiments ever made to obviate a crying evil. In 1821, the State of New York adopted what is called technically the *Solitary System*—it confined 80 of its criminals in separate cells, in absolute solitude, permitting no exercise, and providing them with an insufficient supply of air, light and food. Mind and body were crushed under this clumsy and barbarous experiment; some died, many were driven mad, twenty-six were pardoned, and the rest were removed at the end of one year.

This disastrous American expedient has had the greatest influence in modifying the various theories of prison discipline. On the one hand it was palpable that Association gave a gigantic impulse to crime—on the other the *Solitary System* drove the criminal into madness. A *mezzo-terminus* was therefore resorted to—the “*Silent System*.” The prisoners were to work in bodies, but in profound silence, and at night to be separated. But this scheme of *association without intercommunication* involved a simple impossibility:—it was soon proved that the history of each criminal was as well known to his fellow under this, as where Silence was never thought of. It was found, also, to require a larger and a more expensive staff to work it; and, finally, it demanded such strict watchfulness, and the infliction of such frequent punishments, that the most violent passions were pent up and raging under the calmness of the silent masses which appeared to be moved with the mechanism of clockwork—a state of mind which entirely excludes the shadow of reform in character. The *Silent System* has still its advocates in America—but even there it is obviously sinking in opinion. In Europe it is now found only in subservience to the *Separate System*: while the *Solitary System*, we believe, is discarded everywhere, except as an occasional punishment during a few days for the contumacious prisoner.

The *Separate System* differs from the *Solitary* in permitting communication, but not that of the criminals with each other. It seeks to isolate the prisoner from all evil associations and associates, and substitutes in their stead that which shall tend to make him better and wiser. It inflicts a great amount of punishment without awakening the evil passions which usually attend on it. Except in the incorrigible, nothing of a revengeful feeling is aroused; and yet it is greatly dreaded. Some would even seem to prefer death to this solitude. Why is it thus? On what principle of our nature does this power act? All harshness is sedulously avoided: material comforts are abundantly cared for; and yet the man would prefer almost any other punishment to the solitude of his cell. The pangs of a retributive conscience are said to be roused in that dead silence, and to prostrate the criminal. Yet this will not explain all—for some who certainly are never reached by any such influence, are among the most unhappy, and in many others there is much wretchedness before the mind reflects or mourns over the past. Is the social instinct, which is common to man and to many animals, so essential to the former as to the latter, that to be isolated is to perish? Are the views which Frederick Cuvier has analyzed with such ability applicable to our race? And does the great physiological law of the body find its application no less in the mind? so that both follow the same rule, that what is unused languishes and loses its powers, and ultimately its life? We can but open the question, which is both beyond

scope and our limits—leaving it to the metaphysician and the moralist to determine whether we have or have not a third mode of acting on the will of man, by attacking a leading instinct of his nature in addition to the two ordinary powers of affecting his volition through the violence of fear and the perturbations of hope; and we proceed to the practical working of the Separate system.

What a contrast to the pandemonium of associated criminals does the visitor perceive who enters for the first time the walls of the Model Prison at Pentonville! Instead of the noise and bustle of the old Newgate—absolute loneliness; a few silent warders only scattered here and there in the large and airy corridors containing a triple tier of cells, which range the whole length of these galleries! In spite of the blaze of daylight, which should enliven, and the scrupulous cleanliness which should raise notions of comfort, it is possible not to feel the oppression of resistless power; it is in vain, on a first visit, that you are solicited to inspect the minutiae of the admirable mechanism which the architect (Colonel Jebb) has contrived to secure the complete isolation of 500 individuals from each other. They are fixed at the same moment, rest at the same hour, are out in masses in the open air. They are schooled in the school, and respond in the chapel—yet man knows not man. There is contiguity but no neighbourhood; and the very names of the prisoners are lost in the mechanism which assigns *numbers* in their stead.

It requires the aid of sense to confirm the testimony of others, that the man is really tenanted; the impulse is irresistible to ascertain the fact. A small aperture is so contrived in the door of each cell as to permit the visitor to see its inmate without himself being seen; and he can now traverse a corridor and remark the intensity of still life. All are profoundly engaged—each plying his trade, another busy with his slate, a third, fixed and motionless with his Bible. The shoemaker is squatting cross-legged and stooping over his last; the tailor raised on his table with implements and materials about him; the weaver hardly distinguishable amid the framework of his active machinery; the basket-maker in his corner, distant an arm's length from the top of osiers from which ever and anon he is selecting that to which he is about to give a form and shape. It is not here, as in the solitary occupations of the world, that the artisan can beguile his labour with snatches of some favourite melody: nothing must break the silence of the cell. Its inmate soon learns to concentrate all his energies on his work, which becomes to him a necessity. Unconscious that any eye is upon him, he has no part to act, no sympathy to dream of exciting; and as he now appears, so he will be found at any interval of days, weeks, or months.

If the visitor be still disposed to linger and observe, he will presently see a long file of prisoners emerging from their cells, in such a pre-arranged order that each man is fifteen paces apart from his fellow, and so masked as to render mutual recognition impossible. Thus accoutred and marshalled, and shod so as to prevent sound, one half of the prisoners (250) proceed rapidly to the chapel, the interior of which is so arranged as to preclude even the tallest man from overlooking the one in the next slip. The pulpit is placed high, so as to command a perfect view of every convict, but intercommunication is there prevented by warders perched up on elevations, each with a full view of his own section of prisoners. Here at last is the silence broken by the congregated sound of the simple melodies of our hymns; and there are places where they strike so impressively on the heart as when they are heard forth amid the suggestive influences of the prison.* The service done, the dial plate turns round presenting certain letters and numbers, which correspond to the sectional numbers and letters of the prisoners; as these appear, the peak of each cap is again let down so as to mask the features, and the chapel is as silently and quickly emptied as it had before been filled.

There is one daily service at a quarter-past 8 A.M. The other 250 attend a second service at half past 4 P.M.

At present the distribution of the weekday gives—

| | hrs. | min. |
|--|------|------|
| To school instruction - - - - - | 1 | 15 |
| To chapel - - - - - | | 30 |
| To exercise in open air - - - - - | 1 | 0 |
| To reading, writing, arithmetic in cells - - - - - | 1 | 47 |
| To cleaning - - - - - | | 37 |
| To rest - - - - - | 10 | 0 |
| To meals - - - - - | 2 | 0 |
| To trade instruction - - - - - | 6 | 51 |

The whole prison is thoroughly warmed and ventilated. There is an abundant supply of water for all purposes of cleanliness and comfort in every cell; and gas is let on during the requisite hours, according to the season.

"Every prisoner has at least one hour's exercise daily in the airing grounds. The bedding is removed by each to his exercising yard to be aired—in summer once every week, and in winter as often as weather permits. The prisoners have warm baths every fortnight, and are supplied with clean sheets once in every six weeks, and at proper periods with soap, towels, combs, flannels, whiting, brickdust, and all other articles necessary for keeping their cells in high order, and for personal cleanliness.

"On Sundays the warders assemble at half-past seven, instead of six A. M. The wards and cells are dusted and swept immediately after unlocking. The prisoners are exercised, but no work is performed. There are three services—morning, afternoon, and evening; each occupying an hour and a half. This arrangement admits of every prisoner attending Divine service twice on every alternate Sunday."

What are the effects of such a system of discipline? Quite innocuous say some; madness or premature disease, say others. Both opinions are partial. It is hardly to be expected that any individual can fail to suffer, when he is at once imprisoned in body and constrained in mind. On the other hand, those who have designated prisons on the Separate System as "manufactories for madness," have probably confounded the *solitary* with the *separate* system. In France, Esquirol and other high authorities on mental diseases have asserted that the latter system has no tendency to deteriorate mind; and as far as a five years' experience of the working of discipline at Pentonville has gone, close observers all coincide with them. A very strong impression on the nervous system is made, and it requires careful watching to regulate it, but we believe that with such watchfulness it not only is controllable, but essential to that change of mind which reforms the character. There can be no doubt at least of this fact, that both mental and bodily disease are much less among Pentonville prisoners than they would have been among the same men, if permitted to pursue their career unchecked. There is a false standard of comparison when you would measure the mortality of vice with that of virtue—of the dissipated with the sober. The ratio should be struck between the criminal population free and the criminal population fettered; and who that has turned a page of any writer on the *classes dangereuses* can hesitate in believing that great saving of life and protection from disease have been effected? Be certain that of all poisons there is none so sure, so penetrating, as a rampant vice, which will first enslave, madden, and then kill, nay, even transmit its fatal tendencies to the offspring.

However, let us examine the facts. If it be true that this Separate System is maddening, it ought to tell most decidedly on such prisoners as are constitutionally predisposed to mental disease. Now on this point we can adduce distinct proof that some two or three score persons, out of 1000 subjected to the discipline of Pentonville, have actually benefited by it in spite of indubitable hereditary taint or absolute individual predisposition. Take the following table from the Chaplain's evidence in the App. to Fifth Report:

Observations made upon certain Prisoners in whom injurious effects might have been feared from Separate Confinement.

| Initials of Name. | Verbatim Extract from Letter of Referee. | Obs. on degree of Intellect when 1st seen by Chaplain. | Schoolmaster's Report on Leaving the Prison. | State on leaving the Prison as noted by the Chaplain. |
|---------------------------------------|--|--|---|---|
| J. C. | Mother touched with symptoms of insanity. | - - | Improved in reading and writing. | Improved generally. |
| E. L. | Grandmother insane. | Read imperfectly. | Read well; wrote imperfectly; 4 rules of arithmetic. | . |
| J. H. | Sister rather weak in mind. | Only knew the alphabet. | Read and wrote well; Rule of Three. | Very cheerful; improved in general knowledge. |
| H. N. | He and most of his family evinced symptoms of insanity. | Of the lowest kind | Read very imperfectly; wrote a little; learned a little arithmetic. | Sent away incorrigible. |
| J. C. | Two sisters insane. | Of the lowest intellect; did not know A, B, C. | Read well; wrote tolerably; 4 rules. | Somewhat improved in general. |
| M. | His mother subject to nervous fits. | - - | Read and wrote well; Rule of Three. | Mentally, not morally, improved. |
| J. D. | One of his family (his mother, as I have every reason to believe) labouring with insanity. | - - | Read and wrote well; 4 rules. | |
| R. | Of a simple turn of mind. Uncle in an asylum | - - | Improved considerably. | In Scriptural knowledge also. |
| W. J., - alias W. C. B. | Skull fractured three years ago. | - - | Improved in reading and writing; Rule of Three. | Improved in Scriptural knowledge. |
| W. G. | Sister considered rather silly. | Of the lowest intellect; did not know the alphabet. | Read and wrote imperfectly; 4 rules. | Cheerful. |
| A. H. L. | Had become <i>dejected</i> and <i>absent</i> after failure in business, and showed symptoms of insanity. | Very low in spirits. | Read and wrote well; Rule of Three. | Much improved in spirits; found comfort in religion. |
| J. N. | Considered rather as an idiot. | Very low degree of intellect. | Read and wrote well; Rule of Three. | Improved in general knowledge. |
| W. N. | Almost <i>irresponsible</i> . | Of very weak intellect. | Well educated previously. | Rather improved mentally. |
| A. A. | Weakness of mind; made sport of by fellow-servants. | Low in spirits; and intellect. | Read and wrote well; Rule of Three. | Mentally improved. |
| F. W. K., alias A. K. | Uncle died in an asylum; another committed suicide. Father and sisters considered weak. | Low in spirits; over active mind; disliked his trade. | Very well educated. | Morally improved. |
| J. M. F. | Mother's brother is reported to be imbecile; harmless if let alone. | Of a low degree of intellect. | Read and wrote well; Rule of Three. | Improved in general; was recommended to be master tailor on board ship. |
| E. B. alias E. E. S., a Jew. | Not considered quite correct in his mind. Aunt mad for a long time. | Peculiar turn of mind. | | Greatly improved, especially in Scriptural knowledge. |
| D. M. | Considered a simpleton. | Low intellect. | Read well; wrote imperfectly; 4 rules. | Improved generally. |
| J. M. alias J. T. | Uncle killed himself in a fit of insanity. | Low in spirits and intellect. | Read well; wrote tolerably; Rule of Three. | Much improved. |
| C. J. C. | Eldest brother exhibited symptoms of insanity. | Good intellect. | Well educated. | Improved generally. |
| T. N. | Whole family eccentric; and very weak in intellect. | Weak intellect. | Read and wrote well; Rule of Three. | Improved generally. |

| Initials of Name. | Verbatim Extract from Letter of Referee. | Obs. on degree of Intellect when last seen by Chaplain. | Schoolmaster's Report on leaving the Prison. | State on leaving the Prison as noted by the Chaplain. |
|--------------------|---|---|--|---|
| R. R. | Uncle's intellect affected at times. | Low intellect; only knew the alphabet. | Read well; wrote imperfectly; 4 rules. | Improved generally. |
| J. T. | Father died a lunatic. | Ordinary intellect. | Reads and writes well; Rule of Three. | Very much improved in general. |
| J. S. | I have thought, and more. I am sure, that at times he was not altogether right in his head. | More than ordinarily reserved, and very dull. | Read tolerably; wrote imperfectly; improvement very little. | On the whole rather improved. |
| H. C. alias L. | The prisoner's conduct, more especially his wandering propensities, are irreconcilable with perfect sanity. | A good intellect; apparently much compunction for sin. | Could read and write well; considerably advanced in the higher rules of arithmetic. Improvement fair. | Improved very much. Found peace and comfort in the Gospel. |
| G. R. | He was not quite sound in mind, and sometimes not conscious of what he was about. His own sister destroyed herself. | A very low spirited man. | Could read and write very well; considerably advanced in the higher rules of arithmetic; intelligent. Made fair improvement. | Improved in spirits. Found comfort in religion also, I think. |
| W. H. | His mother has evinced symptoms of insanity within the last three years. | Nothing at all peculiar. | Read well, wrote tolerably; higher rules of arithmetic. Improvement tolerable. | Improved very much, especially in the memory. Gave himself to learning hymns, chapters, &c. |
| H. L. | His father was subject to fits. | Very low spirited. | Could read and write well; mensuration. Improvement tolerable. | Very down-hearted; would have sunk here, I think, but for some religious hope. |
| J. B. | One member of the family has exhibited symptoms of insanity. | Ordinary. | Read well, wrote tolerably; knew the common rules of arithmetic. Very much improved. | Improved. |
| H. B. | I have known the prisoner to have fits when over-fatigued. | Ordinary. | Read well, wrote tolerably; common rules of arithmetic. Improvement tolerable. | Very cheerful. |
| J. K. | He received an injury in his head, from which time he became flighty and unsteady. His father was in some measure imbecile in both body and mind. | A very active mind, but most perverse. | Could read and write well; higher rules of arithmetic. Improvement tolerable. | Cultivated his mind assiduously, but was very perverse to the last. |
| W. S. alias R. | Has found him a little insane at times; he was kicked by a horse in the head. | Ordinary. | Could read well, wrote tolerably; knew the first 4 rules in arithmetic. Improvement little. | Rather improved. |
| W. F. | I knew him to labour under a severe nervous fever for several months, which I always observed afterwards to cause a lowness of spirits. It was about eight years since. | Good, but his constitution apparently weakened by intemperance. | Read and wrote well; advanced in higher rules of arithmetic. Tolerably improved. | Very cheerful; much improved, I think in every way. Gave great attention to religion. |
| J. A., alias E. W. | Has not his senses perfect. | Half-witted. | Could read well. Made scarcely any improvement. | Rather worse. |
| W. D. alias J. B. | I fully believe him to be at times insane. His maternal grandfather died insane. | Clever; good, but perverted and abused. | Was well educated on admission. Was excused from school; improved himself tolerably by reading and private study. | Not improved. |

| Initials of Name. | Verbatim extract from Letter of Referee. | Obs. on degree of Intellect when 1st seen by Chaplain. | Schoolmaster's Report on leaving the Prison. | State on leaving the Prison as noted by the Chaplain. |
|-------------------|---|--|---|--|
| W. B. | Very soft in many things. | Low intellect. | Could scarcely read any. Very little improved. | Rather worse. |
| J. D. | His grandmother is in a lunatic asylum. | Ordinary, but very dull. | Read well, wrote tolerably; first 4 rules of arithmetic. Improved a little. | Improved rather in spirits. |
| J. B. | His mother, grandmother, and great aunt, were all subject to insanity. | Very peculiar and low spirited. | Read scarcely any. Improvement very little. | Worse when removed, but got better at Woolwich. |
| D. B. | Showed decided symptoms of insanity. On one occasion he sought for an instrument to take his life. | A very good intellect, but reserved and very peculiar. | Read and wrote well; higher rules of arithmetic. Considerably improved. | Improved, I think, generally. |
| H. G., alias V. | Has been subject to fits at different periods; I have always found him very dull in intellect. | Ordinary; communicative, but very dull in his manner. | Read and wrote well; higher rules of arithmetic. A fair degree of improvement. | Was, on the whole, better. Gave great attention to religious knowledge. |
| S. H. | Of very curious temper, and sometimes rather childish. | Nothing peculiar. | Read well, wrote tolerably; first 4 rules of arithmetic. Improved a little. | Rather improved. |
| C. F. | Light and incoherent in his habits. Eldest brother perfectly deranged, and was kept bound, hand and feet. | Ordinary intellect, but looks and talks strangely. | Read well, wrote tolerably; first 4 rules of arithmetic. Improvement tolerable. | Always cheerful, and rather improved in those things in which he was singular. |

The inference is clear, that the greater portion of these men were benefited. If we look at the actual cases of mania occurring, the tables yield the following results. In the first year (1843), of 332 convicts, the daily average in the prison, three became affected with insanity. In 1844, when the daily average was 456, no case occurred. There was one in each of the two following years—when the daily averages were respectively 445 and 423. In 1843 the cases were in the proportion of 9.03 per 1000. During the whole period (four years and a quarter) since the prison was opened, the proportion of cases to the daily average of prisoners has been that of 2.29 per 1000 annually. From the end of the year 1843 to the present time the annual proportion has been no more than 1.48 per 1000.

The Reporters say:—

“The remarkable difference in the number of cases of insanity at these periods may have been partly owing to accidental circumstances. We believe, however, that to a great extent it admits of explanation, and that in the year 1843 there were some special causes in operation tending to affect the minds of the prisoners, which do not exist at the present time. However that may be, there is reason to be satisfied with the result, when we find that the proportion of insanity in the last three years has not been more than one-sixth part of what it was in the first instance.

“The statistics of insanity do not afford us the means of comparing the amount of this disease which exists at Pentonville with that in the general population. It would be more to the purpose to compare it with that which is met with in other prisons; but here also we found it difficult to obtain such data as would enable us to arrive at an accurate conclusion. The returns from the various prisons of England and Wales, however, justify us in believing that, if the year 1843 be excluded from the calculation, the proportion of prisoners who were affected with insanity after committal to Pentonville is actually smaller than what occurs among persons of the same age in other places of confinement. The conclusion to be drawn is certainly favourable to the separate system. But it is still more so when we take into the account that, while other prisons contain individuals of all ages, the Pentonville pri-

soners, with a few exceptions, are from twenty to forty years of age; and that it is proved by the experience of such English and foreign lunatic asylums, nine in number, as afford the opportunity of making the comparison, that in no less than 57 per cent. of the whole number of insane persons, the symptoms of the disease are first manifested in the course of these twenty years."

Of course no exact comparison can be made between the inmates for eighteen months of Pentonville and the miscellaneous and diversely sentenced residents in any ordinary jail; but the Commissioners are so far supported by the following Note, for which we are obliged to Mr. Perry, Inspector of Prisons in the Southern and Western Districts. This officer says—

"The places of confinement in the southern and western districts are eighty in number—of which seven are conducted on the separate system. In the year from 29th Sept. 1844, to 29th September 1845, the daily average of prisoners in the whole eighty places was 4361—in the seven on the separate system it was 644. The average period of confinement was rather less than seven weeks. Thirty seven prisoners were affected with insanity; in nine of whom the symptoms first showed themselves during the period of their imprisonment: but of these nine not one occurred in the seven on the separate system. The proportion of fresh cases of insanity was therefore 2·06 per 1000 in the year, being somewhat less than the proportion at Pentonville during the whole period that has elapsed since the prison was opened; but considerably greater, if the year 1843 be excluded from the calculation."

The following RETURN well deserves to be considered in connexion with the foregoing statement of the Pentonville Commissioners. It will show the annual ratio of mental diseases per 1000 strength in our troops quartered at home, or in our most healthy stations abroad. We are indebted for it to Dr. Balfour of the Guards:—

| STATIONS. | Period of Observation. | Strength. | Cases of Mental Derangement admitted into Hospital. | Ratio of Admission per 1000 of strength per an. |
|-------------------------------|------------------------|-----------|---|---|
| United Kingdom— | | | | |
| { Grenadier Guards | 15 years, 1831–45 | 26,980 | 14 | 0·52 |
| { Dragoon Guards and Dragoons | 7 years, 1830–36 | 44,611 | 42 | 0·94 |
| Gibraltar | 19 years, 1818–36 | 60,269 | 85 | 1·41 |
| Malta | 20 years, 1817–36 | 40,826 | 45 | 1·10 |
| Ionian Islands | " " | 70,293 | 103 | 1·43 |
| Bermudas | " " | 11,721 | 9 | 0·77 |
| Canada | " " | 46,442 | 62 | 1·33 |
| Nova Scotia and New Brunswick | " " | 64,280 | 49 | 0·76 |

Compare the numbers in the last column with the recorded amount of mental diseases among 1000 per annum in the model prison, and we shall find that—while the annual ratio in the latter is 1·48—it is nearly 1· at home among the Dragoon Guards and Dragoons,—1·43 in the Ionian Islands,—1·33 in Canada,—and 1·41 in Gibraltar; so that it may be fairly said that the prisoner under separate confinement suffers about as much as the soldier on the choicest spots of the Mediterranean, or in the bracing climate of Canada.

The Pentonville Commissioners very properly acknowledge the want of data for a deduction of mathematical accuracy: but looking at the general results, they seem to be fully justified in their belief that the effect of the separate system, when enforced for eighteen months, is not injurious to the human mind; and we think we have evidence before us which sustains equally the opinion that it is not injurious to the physical health. On this last point the writers hostile to the system rest certainly on grounds far less safe than those adduced by the Commissioners. For example, these writers

think it much for their argument that the mortality per 1000 in the metropolitan population between the ages of 20—40 is 10, while it is 15 at Pentonville, or one-third more. The gross results are merely looked at, and it is not considered that—while the population of the prison is selected from a vicious community—that of the metropolis includes the sober and industrious. Men gamble with life—the honest equally with the dishonest. There is not the slightest doubt that the latter are greatly the losers, are pained more, gain less, and die very much sooner than the former. But in the honest and honourable pursuits of life is there no risk? Take the casualties of our soldiers, for example, in England, in home service. While the annual mortality of Pentonville per 1000 is 15·70, that of the Foot Guards is 21·6—nay, the mortality from consumption alone in the Guards is nearly as high (14·1 per 1000) as the total mortality of Pentonville prisoners—men, be it remarked, of about the same age on an average as the soldiers. Even in the Household Cavalry the mortality varying from 13 to 15 $\frac{1}{2}$ per 1000, is but a fraction less than that of the criminal population in the Model Prison. “Yet these soldiers,” says Colonel Tulloch, “carefully selected, and, so far as can be ascertained, subject to no physical defect at enlistment, are better fed, better lodged and have less onerous duties to perform than the great mass of the labouring population.”—*Report on the Mortality of Troops*, p. 4.

The chief lowerers of life on the prisoner are bad food, bad air, and depressing passions. The two former are so completely under control as to admit of any degree of modification. The mind of man is a more stubborn element; nevertheless the discipline of the cell is so essentially mental as to leave no doubt of its effect on the generality.

It is not chimerical to hope that, as all the circumstances of imprisonment are more or less controllable, so most of its decided injuries may be warded off. It is curious to remark the effects of diet on the prisoners (*5th Report*, p. 12)—how little shook the scales in the balance of health and disease. No less striking has been the diminution of consumptive cases from attention to *suspicious* as to their origin. From the opening of the prison to the termination of 1844, the annual mortality per 1000 from phthisis had amounted to 11·47. The physician, Dr. Owen Rees, suspected that the dusty trades carried on in the cells might have added to the chances of death by this disease. In 1845 measures were taken to guard against the supposed cause; in 1846 only four cases per 1000 of consumption occurred; and in 1847 (upon the 20th of October) there has not been a single death from this terrible scourge.

We could readily produce evidence that the mortality in many callings is much greater than in prisons; but we have purposely selected the soldier at home. If the discipline of the cell is not worse in its physical and mental effects than that of the parade, there should not be much to complain of. It has been objected, that to carry through that of the Separate System, a large amount of food and more stimulants also are required. This, however, is not the case. As compared with the consumption of the soldier, the prisoner is underfed: the former has daily twelve ounces of meat, and a pound of bread, with coffee and vegetables, and this may be increased under the discretion of the commanding officer—not to say his own; the prisoner has four ounces of meat, and twenty ounces of bread per day, with vegetables, gruel and cocoa. It was only after repeated experiments and careful weighing of each prisoner that the dietary was adopted. On a daily average of 423 prisoners, in 1846, 37 required extra diet. In some the addition was merely a few ounces of bread; in others, stimulants were given, as wine and porter. With regard to the extra diet—even including these extras the amount of food is never greater than that of the ration of the soldier, and in most cases not so great. Occasionally, of course, stimulants are required for the sick and weakly in all hospitals, military or civil; but the documents as to the relative stress of wear and tear on the soldier and prisoner are precise. At Pentonville, then

the daily ratio is 14 sick in 423, or about 33 in 1000. Among 1000 of the Dragoon Guards and Dragoons serving in the United Kingdom, 40 are daily sick. Much stress has been laid as to the Pentonville prisoners being "selected." It is true they are, but selected notoriously from a short-lived and ill-conditioned class. Provided no overt disease or marked diseased tendency be apparent, the convict is at once admitted; and we have seen from the table furnished by the chaplain that many are received whose minds and bodies exhibit anything but a vigorous constitution. It is an abuse of terms to call this selection, as compared with the kind of man required for the Dragoon Guards. No insurance office would take the majority of Pentonville prisoners even as average lives; a very cursory glance at the congregation in the chapel is sufficient to satisfy any physician on that point. In truth, there can be no question that the mass of our genuine criminal population is below par in physical, if not also in mental calibre.

With regard to the injurious effect on "the will," as evidenced in "the listless look," "the want of alacrity," "the loss of their gregarious habits," a supposed "dullness of comprehension," &c., we may say that this faculty is certainly the one most influenced by the discipline of the separate system. All but a few reprobates are thoroughly tamed. Punishments to enforce obedience are very rare; no corporal punishments have ever been required at Pentonville. The aspect of men who have been kept in comparative seclusion, and whose thoughts have been forcibly turned within, no doubt may present peculiarities. The prompt and constant subjection to the will of others may also give a cast to the physiognomy, but if will does not mean wilfulness, there is abundant evidence to show that that faculty is in full vigour under the separate system. Whether the test be taken from assiduous labour at a trade or in school, the proficiency of the disciple shows a hearty and a healthy direction of his will. It is not to be supposed that the labour of learning, which he has hitherto abhorred, does not now demand a sustained effort of will. The chaplain reports that, of 1000 prisoners, 696 at leaving the place possessed "considerable general knowledge"—that 713 had mastered the "higher rules of arithmetic"—and that in many cases it is found necessary to check and moderate the ardour of investigation—especially as to religious subjects. Take from the same gentleman's paper the following out of many specimens of the concentrated activity of the mind in the Pentonville prisoner.

"Reg. 432. This man had received, he told me, some injuries in his head from falling down a steep place some years back; had been a vagrant and singing beggar in the streets, and an associate of gipsies. When he left this place, whatever his moral character may prove to be (of which I am not now speaking), he knew more of religion and of general subjects than even respectable working citizens in general.

"Reg. Nos. 548, 590, 685, and 553. These men were of uncommonly low intellect, and on admission did not know the alphabet; they now write their own letters, and so well express their ideas on the simple subjects before them, that their relatives can scarcely believe that they are the writers.

"Reg. 580, a cab-driver—elevated now from the most debased and ignorant state to a very good acquaintance with religion and the elements of secular knowledge. His health, almost ruined by spirit-drinking, is also visibly improved.

"Reg. 699 is an instance of mind of some power, but previously uncultivated. He could read when he came, but had no knowledge of figures. Having made himself master of Thompson's Arithmetic, however, he is now working at mensuration by himself; for the masters lose no time upon such.

"Of Reg. 504, I may confidently say that he so cultivated his mind in *solitude*, latterly with the help of books only, that he was sufficiently well

grounded to begin a course of study in the higher departments of almost any one subject of useful knowledge. His proficiency in the trade of basket-making was equally remarkable. Being very much interested in this young man, I took a copy of one of his letters to his family in which he says:—"I will tell you how I amuse myself of an evening, after work, on school-days, and at meal-times. I peruse and study those works which you were so kind as to send me, and then when my hands are busily engaged in "bending the pliant twig," my head is equally busy in applying the theory. I divide my subject into three parts, and allot a fixed portion of my time to each; and when I am at exercise I have a turn at mental arithmetic. That pump is a rare place for summing; the revolutions of the handle answer the purpose of a slate, and the clicking of the wheel makes it equal to any ready-reckoner. During the summer I had an hour's practical experience in the study of natural history every day: it was rather on a small scale, and I dare say you will smile at it, but it gave me information and amusement too. In front of our airing-yard there is a grass-plat, and I distinguished about a dozen different sorts of small plants and grasses, to which I gave names of my own. I found out at what time they came into flower, how long they remained, and the degree in which each was able to bear the drought that occurred. I learned the habits of several kinds of insects; and the sparrows, building their nests or feeding their young in the holes of the wall, afforded me another source of entertainment. Such is the plan I have adopted. It may seem foolish to you, who may look about you as you please, but it is to this I attribute, with God's blessing, the good health I enjoy, and the rapidity with which time passes away."

We shall not extend this paper by tracing more minutely the various feelings and dispositions educed under the Separate System; nor shall we dwell on the testimonies of the Judges and other responsible watchers of this discipline. As one example, we find the Lord Justice Clerk of Scotland expressing in his evidence (a most careful and elaborate document) great satisfaction, that the arrangement of most of the Scotch jails is now such as to admit the adoption of the Separate System, and his earnest desire to see the same thing practicable at Edinburgh and Glasgow. But let us at once proceed to the history of the convicts after their removal from Pentonville.

About 218 were sent to Van Diemen's Land, under regulations laid down in Lord Stanley's able despatch, of November, 1842. According to these, a prisoner could, by good conduct, gradually pass through various grades of relaxation of his sentence, until he entitled himself virtually to absolute pardon. But the radical defect of the system rendered all skilful details quite nugatory. Criminals were associated in gangs, and therefore deteriorated. The shocking scenes brought to light by the Reports on our convict population in Norfolk Island and Van Diemen's Land, paralleled only by the Cities of the Plain, prove too clearly the wisdom of Paley's rule, the "necessity of dispersion." These Reports, too, show that the Assignment System, which separated and absorbed the criminal population, was preferable to that which succeeded it. It succumbed, as we all know, to the cry of "white slavery," though in reality it had a far greater analogy to our home apprenticeship, with all its inequalities of lot, than to that with the name of which it was stigmatized. However, the Pentonville prisoners, who arrived at Van Diemen's Land under promises of employment, found none. They were thrown among large gangs of convicts, idle, reckless, and depraved,—and, moving in masses over the country, to the terror of the inhabitants, no wonder that the good seed was choked by the tares. Some appear to have struggled hard, judging by their letters; but the very great majority, we believe, fell rapidly to the level of the slime.

The condition of the convict colonies was such that it was deemed fit to put a stop, for a period, to further transportation thither. But as no other of

our colonies will receive a criminal population, or can legally be compelled to do so, an expedient was now resorted to which permitted them to receive transports without infringement of the law. The convicts lost their penal character—were dubbed “exiles,” and thus acquired at once, within the colony, the privileges of freemen. In a word, in lieu of the old system of transportation, criminals underwent 18 months of the Separate System, and were sent abroad pardoned and free, with the sole condition that they should not return to England pending their term of sentence. Of the working of this plan, in the case of some 460 Pentonville convicts, we have found access to pretty full details; and we can thus enable our reader to judge for himself what is the amount of *punishment* awarded by England, in A. D. 1847, to the second class of crimes. We must premise, however, that the whole of this most difficult subject seems to be at sea at present. We are apparently about to abolish transportation, and adopt the old *système des Bagnes* of France, while our neighbours, themselves, are doing away or modifying the system of keeping criminals at home, and adopting that of deporting them to Algeria. We are thinking of employing convicts in gangs, on public works and in our arsenals; our neighbours have come to the conclusion that the valuable property contained in them would be just as safe, when unguarded by a population who do not stick at murder or arson, to gain their liberty. We have as yet limited the cellular discipline to eighteen months. Prussia and France, and other countries, have made it indefinite. However, among ourselves, it would appear that many would see no objection to a longer period, or at least to recommitment to the same discipline, on a second offence. Mr. Recorder Hill would only let the criminal free on proof of amendment; fixing no limit to imprisonment, but that of public safety; modifying, however, the rigidity of the discipline; in short, treating the incorrigible as mad, or at least as constitutionally or organically vicious. If society could tolerate the notion, in the first place, in its present mood, and, in the second, the expense, it would certainly be protected by this mitigated *Draconism*, for the hopelessly incorrigible would die out with no worse treatment than that under which Messrs. Oxford and Macnaghten do not groan.

In the Appendix to the fourth Report on the Model Prison is a letter from Mr. Hampton, who took out 345 Pentonville people, in the *Sir George Seymour* in October, 1844, containing a very curious account of their amusements and occupations. The convicts seemed to have profited amazingly by their education in the prison, judging from the topics on which they “lectured”—“advantages of education,” “use and abuse of music,” “comparative anatomy,” “English history,” “origin of names,” “astronomy,” “poetry,” “the duties of domestic servants,” “architecture.” No doubt many of the lecturers were previous adepts, for, alas, the prison has its scholars as well as its clowns. But the thirst for knowledge increases very greatly in the cell, and it is rapidly imbibed. We have had access to some other letters from gentlemen in charge of convicts, which bring the story of the experiment down to the present year. For example, Mr. Baker (an amiable and judicious surgeon of the Royal Navy) writes thus, to the Governor at Pentonville, from Port Philip, May 9, 1847:—

“The exiles, taking them as a whole, behaved well during the voyage, but there was a marked difference. I had three times the number of Pentonville men that I had from Millbank—and the Millbank offenders were very much more in number and out of proportion, and their crimes more serious. I cannot account for this; they were, with one or two exceptions, rather younger than the Pentonville men, but apparently older in iniquity, and required constant watching on my part to keep them from making a disturbance when below; they in fact had not the quiet, social gregarious habits of the Pentonville men.”

Another experienced superintendent, Dr. Robertson, R. N., writing on the 19th of July, 1847, after his return to England, says:—

“My voyage to Hobart-town lasted 118 days. Prayers were read twice daily, and every Sunday a portion of Scripture was expounded, and I have much pleasure in saying, that I never saw greater decorum and apparent sympathy in scriptural feelings than on all occasions of worship. To myself they were at all times obedient, attentively anticipating my wishes, and in every way conducted themselves to my satisfaction; indeed their manner did not cease with their leaving the ship, for I subsequently experienced it from them, wherever I met them in the colony. As a proof of the confidence I had, on arriving at Hobart-town, I volunteered to take them on to Port Phillip without any guard, civil or military. I feel quite positive, that if I had had a thousand such men, they would have been readily engaged within the week.

During the ninety days I spent in the Port Phillip district, I visited various parts of the country within a hundred miles of Melbourne, frequently meeting the exiles in the fields and on the roads, &c., some as shepherds, some as labourers in the charge of wool-carts, and one as a *bullock-driver*. They seemed to a man satisfied with the treatment they received from the country gentlemen; and I was glad to find that there was general satisfaction expressed by the latter.

A petition was being signed for the purpose of inducing the home government to continue sending out these servants; and expressing their readiness to bear the half of any expense it may cost to send out their wives and children also. With respect to the number of men that might annually find employment in the district at Port Phillip, I should say at least 4000—I have been told the double, by persons of experience—and I have no doubt that in a few years, as the stock increases at the rate of one hundred per cent. annually, they will require the larger number. At present the sheep are put into flocks of 4000 and upwards, from the want of persons to attend them in the proper divisions of 100 each, much to the injury of the feed and stock.”

We have also on our desk a whole sheaf of epistles from exiled convicts to their friends at home, and from these we shall select such specimens as will afford clearer notions of their lot than anything we could substitute.

No. 1.

“Geelong, Port Phillip.

“Rev. Sir,—I beg to be excused for taking the liberty of addressing myself to you, but I feel it my bounden duty to return you my sincere and humble thanks for all the instruction and many good advices I have received from you, which I hope have not been altogether in vain.

“Since my arrival in this colony, I have had an opportunity of observing the conduct of many of the first P. P. exiles, and I am happy to say that many seem to have profited by their late afflictions, and to live an upright and honest life; but on the other hand, I am sorry to say that some appear to be almost past recovery, and to have forgotten all the good resolutions and the many solemn promises made whilst in their solitary cell. The same is to be observed in the case of my own shipmates: some keep the narrow path which they entered first, perhaps under your instruction and guidance, and others have thrown off all regard for religion, and fear neither God nor man. Two of my shipmates absconded from my master; but they were taken in a few days, and got three months in Melbourne jail. But with these discouraging news, as they must be to you, be not discouraged in your good work; but persevere, putting your trust in the Lord, for your labour shall not be in vain. I beg to remain your humble servant,

“—————, Reg. 51A.

“To the Rev. J. Kingsmill.”

No. 2.

"Jan. 30, 1847.

"DEAR MOTHER AND RELATIONS.—I write these few lines hoping they will find you all well, as they leave me. I have now been in this colony six months, and I have seen a little of the bush. At first I thought a life in the bush would agree well with me; but a country life here is quite different from a country life in Britain. It is very lonesome here, the houses being so far from one another. My next door neighbour is three miles off, where we are obliged to go two or three times a day, often upon any little errand; but three miles are thought no more of here than 300 yards in England. I very seldom see any fresh faces. In Britain the merry church bells are to be heard on Sundays in all directions; but here there are no churches, only in the towns, and they are few and far between. I am thirty miles from the nearest place of worship, which is a mission station. The natural result of the absence of places of worship is, that there is very little difference between Sunday and another day. It is a common saying that Sunday don't cross the Breakwater (which is a bridge near Corio); but public houses are to be met with in all directions, and they are the ruin of hundreds in this colony, wine and spirits being very cheap.

"It is now the end of winter here, and very pleasant weather it is. The rain sometimes pours down in torrents for six or seven days together without stopping, and hailstones as large as marbles sometimes break windows, and even kill small birds. The thunder-storms are awful,—the flashes of lightning follow each other so rapidly that it seems one continual blaze,—the thunder roars, the rain pours down in torrents, the wind tears up trees by the roots,—in short, it is enough to make the stoutest heart tremble, and forces at least an awful reverence for nature's God, who rules and governs all, at whose words the fiery elements are pacified, the rains and wind cease, and pleasant summer once more takes their place. If God give me health, I shall be able to save at least £50 in four years, when, please God, I shall return to my injured friends. I have had very good health since my arrival here; and this is a country where there is plenty of work for everybody, and where there is no want, and all enjoy the necessities, and even the luxuries of life, which is not the case in England. But still there is no place like home. Though I have a large share of what ought to make life happy, good wages, plenty to eat and drink, and very little to do, still my thoughts are fixed upon home."

No. 3.

"DEAR PARENTS,—I am doing very well at present, carrying on the business of a boarding establishment. I have taken my premises on a lease of three years which is capable of accommodating thirty people, and nearly that number I have now in my house; two milking cows, one goat, fowls, ducks, &c., all which I keep for my own use, and £50 cash in the bank, besides my household goods and cooking utensils, which are worth £100. I have to thank God for his lasting kindness in preserving me, and carrying me through so many trials and temptations over the vast trackless ocean.

"Dear Friends, the country I am in is certainly a very fine one in many respects—plenty of work—no one to do it, and excellent wages given to every one. Even a common labouring woman in my house gets £20 per year and everything found them; even myself, I am giving a man cook £26 per year, his food, lodging, and washing found him, and the lowest terms for washing clothes is 3s. per dozen. I wish you could but come out to me, you would *never regret it*, especially my sisters; there is every prospect of their doing *well and making a fortune*. I stand the heat very well indeed, and I like the

country, though not so well as my own England. I should before now have sent you a little money; but I do not know where you are, or whether you are living or dead, by not having a letter from you. Depend upon it, dear relations, I will not forget you, now I have it in my power to do so. A long and happy life, to you, my dear parents and affectionate sisters."

No. 4.

"Corio Street, Geelong, Port Phillip.

"MY DEAR WIFE,—I am happy to inform you that I have been fortunate enough to get into a comfortable shop, where I am getting my thirty guineas a year, board, lodging, and washing. I have been at work for eight weeks, and thank the Lord, I am very comfortable indeed. My dear Hannah, I dare say you have been waiting with an anxious heart, to know of my safe arrival. We had a long passage, better than four months before I set my feet on dry ground; but thanks be to God for his mercy towards us, for bringing me, I may suppose, into one of the finest countries in all the world. Dear Hannah, my master has been trying if he could get you and the children out free, but I am sorry to say that he cannot. I shall be able to send £26, if I have my health, and it will take £20; but, my dear wife, I should not feel comfortable for you to come out by yourself, it is a long passage for you and the two dear children. If you could get Mary Ann, or your brother John, as they might do wonderful well here. A female servant is looked upon here in a very different light to what they are in England. They are getting from £20 to £30 a year, and men-servants from £30 to £40. Even a common farming lad gets his £20 or £22 a year. You may depend that I should be glad to have you over. It is true that I have been sent out of the country against my wish; but you could come different to that. It would be to our advantage to be together, because less would do for us than to be separate.

"Dear Hannah, I have not told you of my freedom—I am as free as ever I was in England. No one ever looks upon me as a prisoner—quite the reverse; but I cannot leave the colony until my time is up.

"You can go to Mr. Kingsmill, and let him read my letter, for it was his wish, and it is no more than my duty, for he was a kind fatherly gentleman to me; and I am happy to say that I am able to go to my church every Sunday, which I know he will be glad to hear. Those dear children have set a mark upon my heart that I can never forget, for my daily prayer is for you and the dear little creatures. If alive, they must be grown to beautiful children. I wish I could send them a few parrots, for they fly about like pigeons; you may buy them of the natives for 6d. each. They are very handsome indeed; in fact the country abounds in such sort of birds.

"The snakes are death if not taken in time, and rarely got over. They are things that I hate very much; but I am not up in the country where they are; for it would be awful for me to go amongst the natives, for they are cannibals. They met one of the first lot of men that came from Pentonville; they made him strip, and then felt him. A very fine thing for him that he was not fat enough for them, so they let him go again. But they are not so savage where I am; so do not let this frighten you on coming out. My dear Hannah, I think you would like the place very much if you were only in it. The time seems long to me, and always will, till I can get with you again; and, my dear, I hope there is a better prospect than ever there was in England, and by the time my twelve months is up that I shall be as good a tradesman as my master. Of course I could not take my work as a man that had been brought up to the trade, but, thank God, I get on remarkably well. My master is very well satisfied with me. He is a teetotaller, and so am I, and mean to be so till I have got you over. My dear Hannah, we live most excellently. I went to-night to the butcher's, and bought a leg of mutton, 8lbs.

weight for 16d. Three of us sat down to tea, off it, cut up in chops, and the rest we put away for breakfast, please God we are all spared.

"I always think of you and my beloved children—bless their pretty hearts. Give them a thousand kisses for me, and tell my dear little Johnny I shall want him soon to work as a tinker with me. It is as good a trade as any one in the colony; for earthenware is very dear here. A teacup and saucer is 6d. the commonest, so that they all use tin. I hope you have spent a comfortable Christmas. My dear, I hope you have plenty to eat and drink, for I have an abundance. I had to cook my master's dinner, and he said it was the best dinner he ever ate. They are very partial to me, and he leaves me in charge of the shop to sell anything that may be asked for. We have three shops, so that I and two more stop in this one; and, my dear wife, I will do him justice, because he is deserving of it. Now, my dear beloved wife, I wish you all a happy new year, and many of them. God grant that this may find you alive and my blessed children, as it leaves me this night, thank God for it. Forgive me, my dear wife, the ill that I have done you, and I hope it will be in my power soon to assist you. God bless you all, and farewell for the present, till we shall meet again to part no more."

No 5.

"Melbourne, in Port Phillip, March 1847.

"MY DEAR AND AFFECTIONATE WIFE,—I have to inform you that Mr. — has got his wife and children here; they came out in the 'Spartan' barque, from London, a month after our arrival, and are quite well, and doing very comfortable. My dear, allow me to say with truth, it was not riches and wealth, which she could have obtained, had she have stopped with her friends; but it was pure love that she had for a poor fallen one, whom it hath pleased the Almighty God to raise again, that made her come out the four months' voyage to him. My dear, I trust that there is some share of that pure love that did once exist left for me, and cause you and my dear child once more to make me happy. My dear, I did think that I should have received a letter from you before this time. My dear, living is so cheap, that a man, his wife, and a family of four children may live for 10s. a week, and have meat three times a day. My dear, the shipwright's pay is from 7s. to 8s. a day. If you cannot get friends to fit you out and our dear child for the voyage, write, and that as soon as possible, and I have no doubt it will be in my power to remit you what you may require for the purpose. You will, if you please, remember me to Mr. Kingsmill, a kind and benevolent Christian. Tell him I am quite well, and by the blessing of the Lord and my perseverance, I trust that I shall prosper, and once more be the means of supporting and making happy and comfortable my wife and child. Thank him for all his kind admonitions to me. Give my respects to Mr. Woodcock, my instructor. I hope he and his family are quite well."

When Mr. Baker, one of whose letters we have quoted, arrived this year in Australia Felix, one of his former charge met him with the exclamation, "We have all tumbled on our legs, sir." He soon found this to be the truth. Within fifteen months the majority of those whom he had formerly carried out were well off. One could afford to pay 150*l.* of rent for an inn; several had houses costing 30*l.* to 40*l.* per annum. Melbourne, the capital had added 3000 souls to its population. The bush teemed with its denizens. "Boats full of these enterprising men came alongside the ship, eager to hire farm-labourers and other servants." Such was the demand, that the contractor for government works refused to take up any further engagements, in consequence of the very high rates of wages. A long list of Pentonville men, with their wages, their masters, and location, is now before us, which would raise the envy of many an honest struggler at home—board, lodging, and 25*l.*

to 30*l.* a year. The large proprietors being short of emigrant hands, and without prospects of getting them from home, were sending vessels to Polynesia for natives, sixty of whom had already been located on one gentleman's property (Mr. Boyd's).

Herethen is a labour market which, it is plain, would for many years absorb thousands upon thousands of our population; and, from the nature of the country, it affords the great desideratum of criminal management—the power of dispersion. Thoughtful men, however, have been startled at the enormous advantages which this new system offers to criminals, and which seems to make punishment look very like reward:

"I entirely agree," says Lord Denman, "in the opinion that advantage should be taken of imprisonment to inculcate principles of morality, but I greatly dread the effects of giving them benefits and privileges which they never could have hoped for but from the commission of crimes. I own myself extremely jealous of the gratuitous instruction of the felon in a trade merely because he is a felon, and of the displacement of the honest from employment by his success in obtaining it."

These words, we venture to say, will be recalled hereafter. They open a most grave question. Meanwhile, not to wander from our own immediate object, it seems to be the opinion of all the Superintendents, that under the discipline of the Separate System, with its *industrial and moral training*, and the subsequent deportation of criminals to a good labour market, the great majority are reclaimed. Transportation so conducted, and with such results, is not likely, in the present state of public feeling, to want its powerful supporters; we need not, we think, doubt that it will be retained as a secondary punishment. We have abundant proof, however, that colonizing with "rogues" alone, or even aggregating them in numbers disproportionate to the honest part of the community, is both a blunder and a crime. The expedient of scattering convicts over the face of the globe, smuggled under the name of exiles into colonies whose laws forbid their entrance as criminals, is an acknowledgment on the part of the executive of the principle of dispersion, on that of the colonists of their willingness to receive such men as labourers. At home it is found that the reformatory discipline *has* disposed friends and employers to receive again into their circle of society the convicted and chastised criminal. Other than our penal colonies might perhaps be induced to revise their laws, and permit the introduction of transports as labourers in *aid of emigration*; we all know that most of these are crying out for hands, and can we tell why those of the reformed criminal must be less useful at the Cape, in Canada, in New Zealand, than in Australia Felix?

But then the expense!—the expense! In our anxiety to save money, we forget to look at the cost of our criminal population at home. Here, however, is Mr. Rushton, the head of the police department at Liverpool, ready to furnish us with the bill. He finds that the cost of fourteen young criminals who ran their career at home averaged at least 100 guineas a head—*independent of the expense of transportation for ten of them, and irrespective of the value of their depredations on the community*; while from 1833 to 1841 the total cost of seventy-seven boys put into the Reformatory Asylum at Streton, was exactly 102*l.* Of these seventy-seven boys, forty-one were effectually reformed.

"If you divide the cost," adds Mr. Rushton, "by the number reformed, it will be found that whilst our Liverpool system has cost 100 guineas each case, and that ten of the fourteen have been transported, it has cost only 25 guineas in the asylum, where forty-one out of the seventy-seven have been reformed."—*Report on Crim. Law*, p. 192.

According to our present system of punishment, the prison-population is in a perpetual circulation of contamination and crime. First, poor, neglected, or brought up to the trade of crime; next in custody and before the courts—

thence to the prison and hulks, and from these again thrown among their old associates, till the same necessities and temptations once more reproduce them before the judge. In this way, not less than 600 of the present inmates of prisons in England and Wales have been committed each from four to ten times. In 1839 the exact number was 5573. The cost of each prisoner in our county jails is about 26*l.* a year, or 10*s.* a week. In the model prison, the net annual cost is 28*l.* per man, after deducting his earnings, or 33*l.* exclusive of such deduction. On these data, Mr. Baker* has estimated the expenses charged on the country by a convict sentenced to ten years' transportation—say one of Mr. Rushton's juveniles, who had previously cost Liverpool 100 guineas in detections and prosecutions. The convict will cost, on an average—

| | | | | | |
|--|---|---|---|---|-------|
| Eight weeks in the county jail | - | - | - | - | £4 |
| Eight weeks in Milbank | - | - | - | - | 4 |
| Passage to Van Diemen's Land | - | - | - | - | 17 |
| Four years' maintenance in Van Diemen's Land | - | - | - | - | 80 |
| | | | | | <hr/> |
| | | | | | £105 |

By the previous processes then he had cost 100*l.*, and it requires another hundred to transport him:—the sole advantage to the country, his absence from it: the moral part of the question sunk altogether. Under the Separate System, including that eighteen months' training at Pentonville which gives so fair a chance of becoming a useful citizen, the cost will be just 242*l.*—the difference is forty pounds!

The old plan for cheapness was in one word—the gallows. That is happily over for the present. May not a more humane and not less efficient plan be found, viz.—abridge the costs by arresting the career? *Obsta principiis* is the soundest of maxims in criminal legislation. To effect this the arm of justice must still be terrible at first. The evidence of the Judge affords a striking unanimity as to the uselessness of short imprisonments: at least six months are asked, if you desire to reform the culprit; less than that is harmful. The arm of the law must also be strengthened, and Baron Parke and Mr. Justice Pattison suggest, as respects juveniles—1. To give magistrates a power of summary jurisdiction with the intervention of a small jury: the offender, his parents, or guardians, having the power of objecting to the jurisdiction, and electing a trial in the ordinary way instead. 2. To give the magistrate the power of sentencing to a term of imprisonment, a part of which term shall not be absolute, but capable of being diminished by good conduct in the jail. A similar power, they think, should be given to the presiding judge or magistrate on an ordinary trial. (*Appendix*, p. 24.)

The treatment of convicts, after they have undergone the discipline of the Separate System, is offered by the executive to us under a twofold aspect. First, that of "exile," the history of which we have traced; and which saves all the expense of convict maintenance subsequent to deportation. Secondly, that of the "gang system" which, we believe, is in contemplation. It is, no doubt, hoped that, having previously undergone the discipline of the Separate System, the culprit will not deteriorate by being kept in constant communication with his fellows *alone*;—but experience is certainly against the hazarding this experiment. If such a mass of convicts be kept congregated, what the inevitable difficulties of management must be, may be learned from the evidence of the Bishop of Tasmania and others. The terror of their superintendents and the ferocity of the gangs of Van Diemen's Land may perhaps

* "A Plan for Emigration, for diminishing Crime and Misery, and for saving Public Money," MS.; which we trust may be rendered public.

be mitigated, but cannot be annulled anywhere. If again they are to be fractioned and divided and scattered both at home and abroad, wherever public works are required; this limited dispersion will be less objectionable, but still it must be onerous and expensive. But there is yet another very serious point to be kept in view. If some 4000 or 5000 felons per annum are in future not only to be retained within our shores during their term of sentence, but on its expiration are to be at once let loose among us—the contemplation of such a nucleus of doubtful virtue among our population—a nucleus so rapidly swelling—is, we confess, somewhat startling. The unstained poor are struggling for occupation in our crowded community; is it likely that the branded and notorious gangster will be received and treated *ad eundem*? And, if not, where is he? and what has he to do here, homeless in a crowd?*

Transportation under a modified Assignment System, ought surely to be reconsidered. There is copious evidence that it was too hastily abandoned. It is by far the least costly to the government, and might be made highly beneficial to the criminal. In this last view Mr. Baker strongly urges that the punishment of transportation should be extended to a greater number of offences. The criminal population among us is well known; character, therefore, as some of the authorities in the Report have suggested, as well as the nature of the act, should determine the degree of the punishment. It might be competent to the executive either to give a convict in the first instance all the chances belonging to such an educational captivity as that of Pentonville, or at once to transport him to a colony; even in the latter case the man is rescued from the associations and temptations of his old career. Mr. Baker has no doubt that the cost both of the prison here and the voyage out would be gladly repaid by our colonists, on receiving an assignment for two years, in two yearly instalments—after which period and payments the convict would have acquired his pardon.

As to means subsidiary to and complementary to the Separate System, there is among the works heading this article one which deserves the most serious consideration, that of M. Bonneville, not only from its display of great practical knowledge, but from the curious similarity of views and plans with those elicited from our own judges by Lord Brougham's Committee. We would particularly call attention to M. Bonneville's chapter on *restitution*. Lord Denman had arrived at the same point:—"I would (he says), make restitution of the thing stolen, or its money-value, a part of the sentence. This principle might be usefully adopted in all cases of loss by theft or fraud." It has been enforced ever since 1803 by the codes of Austria, Sardinia and Baden; and, it seems, with excellent results. Let the English thief too be made to know that, besides the punishment due to the moral offence as expiatory, he must bear the burden of reparation also. In France the thief generally buries his stolen money, and, if convicted and sent to prison, returns after a few years

* "It appears that the chief town of Norway is so injuriously affected by the proportion which the liberated convicts bear to its population—nearly one in thirty—that the inhabitants have been called upon by the police to provide the means of their own security from such persons. In France, where between 7000 and 8000 convicts are liberated yearly, the superintendence of the police (surveillance) and the compulsory and fixed residence of the convict are found very insufficient, especially since the invention of railways. The residence of the liberated convicts is found to be a permanent danger to society. The system of imprisonment (reclusion) or of the Bagnes, or Travaux forcés, is of little effect in reforming or even in deterring from a repetition of the offences punished, and the proportion of those recommitted for new offences is not less than thirty per cent. Thus, of about 90,000 persons tried in the whole kingdom, above 15,000, or one-sixth of the whole number, had already suffered imprisonment, to say nothing of the corrupting effects produced on the community even by those who escaped a second punishment."—*Second Report on Criminal Law*, p. 7.

to his treasure, increased by his earnings during detention. With us the receiver of stolen goods makes over his spoil to relatives, who are often rich; and thus escaping forfeiture, it is remitted to him after he has been transported—at once converting the convict into the Australian capitalist. Civil restitution is perfectly feasible in all this class of criminals. In others of less capital, either the guilty person will disgorge, or, if he have spent the money, his friends will come forward to his aid.* The seeming injustice of thus mulcting innocent connexions is to be met by its not being compulsory, and by the right it gives the reliever to control the man in future. The absolute insolvent, who cannot otherwise repair the loss occasioned by his depredations, should do so by the sweat of his brow. Until he has done that, he can have no right to consider his labour as his own.

Education has now most wisely been viewed in connexion with its bearings on crime. We have seen what it does for the convict of Pentonville. A wise system would not only furnish principles of conduct, but hold out some assured prizes for which all could contend (and all bettered for the conflict), and which some would attain. Our forefathers understood this: their foundations and grammar-schools carried the boy into manhood, and furnished him with the prospect of a competence. These have, from the rise in the value of property, attracted the cupidity of the richer classes, who have in too many cases usurped the advantages meant for their humble brethren. Our parish schools, excellent though they be, give no such hope as lighted up the vista of a life from youth to old age in our monastic institutions. The charity-boy must shift for himself—he may or may not succeed in the scramble of life—but there is no hand to help him on but his own. A broader charity is wanted—a charity founded not in the despairs but in the hopes of our nature—which will cheer the heart in the heat and struggle of the battle, and will not wait to open for disappointment and decrepitude the asylum and the almshouse. Among our liberties give these the Liberty of Hoping. Can there be no unpenal Parkhurst for the offspring of Honest poverty? Is that splendid institution to be the appanage only of the vicious? You have begun to provide for your soldiers in your colonies, and the view of the few thus cared for animated and strengthens the whole class. Extend the principle to the poorer classes generally, and a very few prizes thus offered to those who will qualify for it may do more to popularize education than any mechanism of Bell or Lancaster.

ART. IV.—*Provision for the Insane in Prisons.*

A PROPER provision for the insane in prisons, is a subject of great importance in every community. The spirit of the age demands that every commonwealth should provide all the means that can reasonably be asked, for the comfort and restoration of those who are suffering from this serious disease, and that while thus afflicted, not even the most hardened felon should be exposed to influences likely to confirm so grave a malady.

There is, perhaps, no other State in the Union, that, for reasons which we have repeatedly detailed and shall again refer to, is so

* A very large annual surplus is left, after paying all the expenses of our recruiting department, from moneys raised by the poor relations of soldiers for the purchase of their relatives' discharge.

much interested in this matter as Pennsylvania, and none in which the want of proper means gives rise to so much injury, directly, to those suffering from insanity, and indirectly, on account of arguments based upon a state of things entirely due to the neglected state of our indigent insane—arguments which are used to influence public opinion unfavourably towards one of the greatest reforms ever made in penal discipline.

It is only a few years since the then executive of Pennsylvania, convinced of the importance of some early action on the subject, urged it upon the Legislature, in one of his annual Messages, and proposed, as a remedy for existing evils, that wards should be provided in connexion with our penitentiaries, and specially appropriated for the insane who might be taken to those prisons, and for other lunatics who, from any cause, were then confined in them.

While appreciating fully the excellent motives and the benevolent views which prompted this recommendation, and concurring entirely in the necessity for special provision for this class of insane persons, we differ in our estimate of the means required to effect the desired object.

None but those who have taken the trouble to investigate this subject, can be fully aware of the injury that for twenty years past has been done, and is now being done to persons innocent of crime; nor is it easy to estimate the loss sustained by our State from a neglect of this matter. The admirable efforts of Miss Dix have done a vast deal towards disseminating information, and establishing the proper views upon this subject, especially so far as the county prisons are concerned; and we are most happy, restricted as we are, by want of room, from dwelling on it here, to refer the reader to her invaluable memorial, published in No. 2, Vol. 1, of this Journal, in which he will find the most extraordinary and convincing array of facts in relation to insanity in jail, ever presented to the country.

It is impossible to treat the question *in extenso* here. The main object of this paper is to invite increased attention to it at the present time. Without wishing or intending, therefore, to enter in this place upon a discussion of the causes of insanity in prisons, it may not be amiss, to prevent misconception, to refer to some which are particularly rife in Pennsylvania, and to

state a few of the facts, in reference to the subject generally, which we consider to be satisfactorily established. In our estimation, it has been proved conclusively, that in a vicious and prison population, a much greater amount of insanity will be developed than in the free and honest portion of the community. Some writers, M. Lelut, for example, make the proportion as high as eight to one.* Although this is greater than will be generally found to exist, still the disparity is everywhere very striking. Not less clearly do we believe it to have been ascertained that prisons near large towns, having, in their midst, a demoralized, degraded and intemperate population, labouring under impaired health as the result of their vices, are much more likely to suffer from mental disorders, than prisons elsewhere; and it is equally well proved that where a low black population exists, the ratio will be still further increased.

The proportion of insane in the entire population of Pennsylvania is not clearly ascertained, but it certainly is not less than one in five hundred. In the city and county of Philadelphia we infer that the ratio is much greater; for the causes which induce it are more prevalent. It is reasonable, therefore, to expect that a greater amount of insanity will be developed among those sent from the metropolitan district than in the same number from the country districts of the State.

The Superintendent of the Massachusetts State Lunatic Hospital, in his last report, expresses the belief that in that entire commonwealth, and in some of the neighbouring states, as many as four insane and idiots, will be found unable to take care of themselves, in every thousand of the population. We certainly have no just grounds for hoping that in Pennsylvania we are better circumstanced in this respect.

This whole subject possesses great interest everywhere, but peculiarly so, as we have before remarked, in Pennsylvania, from the extent to which our penal institutions have been affected by the presence of a great number of insane at large, unconnected with responsible persons, and incapable of taking care of themselves; by the absence of any gratuitous provision for the indigent insane, and by the want even of accommodations sufficient for all who can con-

* Vide No. 1, Vol. I. of this Journal, for a notice of this distinguished writer's views on this subject.

veniently pay for their board. As a consequence of this, individuals affected with incipient insanity, or periodically subject to it, and others notoriously deranged, but previously harmless, who would be sent to a State Hospital, if one existed, are left to commit acts for which they are subsequently tried and sent to prison, without inquiry being made as to the state of their minds, or without regard to it, whether the inquiry be made or not. In short, it is well known, that lunatics have, time after time, been sent to prison avowedly "for the protection of the community," even when no one thought of denying their insanity; while, in other instances, when derangement was suspected, the same anxiety to rid the neighbourhood of such a source of danger, has stifled all investigation for the protection of the accused.

Many of our readers have, no doubt, heard of the verdict of one of our juries, "Guilty! but on account of insanity recommended to the mercy of the Court!" We should not be surprised, after such a verdict, to learn that the Court concluded that the most merciful disposition it could make of such a prisoner, would be to commit him, for a good long term, to the attentions of the kind officers and visitors at Cherry Hill.

Massachusetts, New York and other states, to their lasting honour be it said, have done vastly different: provision is made for all their insane, and no such verdicts, and no such treatment of those who are mentally diseased, are there permitted. In the noble State Hospital at Utica, N. Y., we learn, from the last report, that in 1847, twenty-two insane patients were received from their prisons; but how many have been acquitted of alleged crimes on the ground of insanity, or how many have been sent directly to the Hospital, who would in Pennsylvania have reached our penitentiary, we have no means of ascertaining.

There is a provision, excellent in itself, and almost peculiar to the Philadelphia Penitentiary, which unquestionably creates, in regard to numbers, an apparently greater demand for these accommodations than is observed in some other places;—we allude to the medical organization which requires that a physician should reside on the premises, devoting his whole time to the prisoners, and giving to each case a thorough examination. This can scarcely fail to lead to a more complete detection of every symptom of insanity than could possibly be under any other

system, or with a different arrangement of the medical department of such an establishment. Cases will thus be detected and reported, that in a congregate or silent prison could only be discovered by accident. Suppose a prisoner, for example, in apparently good physical health, regularly engaged at work, not disorderly or noisy, but declaring, when questioned, that he was sure there were ghosts upon his bed at night, that his food was poisoned, that he saw strange people pointing at him through his door or window, that he heard voices speaking to him when alone, that he was going to be killed, that he was lost for ever, or manifesting some other of the various hallucinations of strict and simple monomania, but without other indications of mental aberration—such a man would scarcely be noticed in any but a separate prison, with a resident medical officer, who felt bound to seek for every indication of insanity, in order to prevent its further development. Such cases, if there is no feigning, which however might readily occur, and could not easily be detected, should always be carefully watched by the medical officer of a prison, and undoubtedly present one form of insanity; but it is a form which would hardly be recognised by a jury, and would not be admitted as a plea for acquittal in a court of justice.

Interesting as this subject is, we do not feel at liberty to enter more fully on its discussion at the present time. What we have said has been suggested by the intimate relation that exists in Pennsylvania, between causes, outside of the prison walls, which influence materially the number of insane who are found within them.

The recommendation already alluded to, to provide within the prison walls, apartments for the insane who may be sent to a prison or whose cases may be there developed, is liable to many and insuperable objections. It is now universally admitted that for the proper treatment of insanity we require a vast variety of means and arrangements which are only to be found in a well-regulated hospital; but besides this, the space within the walls of any prison is entirely inadequate for this purpose—the discipline of the prison itself, and of the department for the insane, would be so radically different that they would be injurious to each other, and the expense of such an arrangement, properly carried out, would, of itself, be a serious objection to it.

Nothing, we conceive, can justify the detention in prison of those who have committed crimes while under the influence of insanity,—nor the keeping there, while insane, of any one who could be restored if placed under the influence of proper management. Provision of this kind must be made by the State, and we can scarcely reconcile, with the wealth and resources of Pennsylvania, and the benevolence and good sense of her citizens, the fact that her legislatures still neglect to provide any means for the care and treatment of those of her population who are labouring under a class of maladies, which disqualifies them from taking care of themselves, and whose resources will not permit their being sent to more expensive asylums.

It is only by the establishment of the State Hospital for the Insane at Harrisburg, and the provision, in connexion with it, of a set of apartments specially devoted to the safe-keeping and care of insane prisoners, that we can hope to have justice done to this class of afflicted beings,—to have our prisons cleared of the unjust imputations which have been heaped upon them, and our commonwealth freed from a reproach which has too long rested upon her.

Of those who would be sent to such a place from prison, many could without impropriety be received into some of the regular wards. These are persons who have committed acts of violence while under the influence of insanity, and who have been convicted without its being recognised, or, if known, regarded. They are probably no worse men than many other insane persons; not more likely to be troublesome, and not more disposed to escape from such guardianship. Many men of naturally very weak minds, harmless when under judicious supervision, but dangerous when excited by ill treatment and harsh language, will be found in this class.

There are others, however, who would require a much greater degree of security, much more of the prison structure than is necessary or proper in an ordinary hospital for the insane. There are men, naturally bad at heart—convicts, dangerous to society at all times, and perhaps peculiarly so when insane, from whom the community have a right to demand protection, whether they are expiating their offences in prison, or are under treatment for an *affection of the mind or body* in the wards of a

hospital. This class when convalescing from their mental disease will be sure to make extraordinary efforts to escape, and, unless special guards be provided, will almost certainly effect their purpose. It is for these that the special provision to which we have responded, should be made, combining every requisite comfort with an adequate degree of security.

The number of prisoners of this class who during the past year have escaped from the New York State Hospital for the Insane, and have not been retaken, has induced the judicious Superintendent of that hospital to urge upon the Legislature the prompt provision, in addition to the old wards, of such accommodations as we have suggested.

No doubt many cases will occur, in which the symptoms of mental disease, although decidedly existing, may be so slight or so equivocal in progress that there will be no inducement for the transfer of these subjects to the state asylum. The authority of the Resident Physician should be amply sufficient, and the means at his disposal entirely adequate for the proper treatment of such cases.

The prevention and removal of these incipient indications of insanity, or of other disease, we regard as among the most prominent and important of the duties of the resident medical officer of a prison, and we have full confidence that most of these symptoms of approaching danger can very often be arrested by a prompt and wise use of the proper hygienic measures. *Obsta principiis*, "assail the earliest onset of disease," should be the rule above all others most imperative in prison. Insanity is insidious in progress, soon confirmed, and when once firmly seated extremely difficult to cure, even under influences far superior to those of the best-regulated penitentiaries. Delay in resorting to every available expedient short of absolute discharge should never be permitted, and if from neglect of the proper directions any untoward results occur, a heavy responsibility must rest upon the authorities, whoever they may be, by whom such neglect has been allowed—no matter what the plea—to pass without correction.

The medical officer of a prison must be allowed to decide upon much more than the medical treatment of the prisoners: *he must be consulted in reference to the occupation of those who*

seem to have a tendency to mental or any other disease. The circumstances under which their work is to be carried on—the amount of exercise in the open air—the kind of superintendence; in short a variety of apparently small, but still in these cases most important matters, which will suggest themselves to many of our readers.

To determine what cases are suitable to be transferred from the prison to the hospital, and what may with propriety be retained in prison, a commission should be instituted to which all these matters should be referred by law; and whenever from any cause an insane person is brought to the prison, full authority should be possessed by this body to refuse his admission as a prisoner and to direct his immediate transfer to the State Hospital. In this commission, should always be found the resident physician of the prison, and one or more medical gentlemen in the vicinity who have some practical knowledge of insanity.

What we want, then, in Pennsylvania to enable us to provide for the insane in our prisons, let us repeat, is, a State Hospital for the Insane, and in connexion with it, wards specially appropriated to this class of cases, who may be there safely kept and properly treated till restored, and then be returned to the prison till the expiration of their terms of sentence. We want also a commission to decide upon the mental state of prisoners, and to determine who shall be sent to the hospital and who retained in prison. There are also required proper kinds of labour, exercise and attendance for those whom it may be thought inexpedient to subject to the discipline and arrangements of an institution specially devoted to the insane; while full authority should be vested in the physician of the prison to direct all these and other means of prevention, as well as cure, in every case of threatened insanity that appears to him, through hereditary predisposition, ill health or other cause, likely to arise from a residence in prison.

When all this can be done, and the insane who have accumulated in our prisons through a series of years, and from a variety of causes constantly operating in Pennsylvania, shall have been removed, we have entire confidence, that while the benevolent will feel that misfortune and disease are no longer treated as crime, the public will also learn, that the separate system, wisely and

faithfully carried out by enlightened and Christian men, is yet the best that has ever been devised, and promises vastly more good than any other, without greater risk of injuring the minds or bodies of those subjected to it. After no little observation and reflection, we feel fully satisfied that no departure from the separate system is necessary to prevent the development of insanity in our prisons, within limits quite as moderate as can reasonably be hoped for, in the class who compose the population of these places. To expect that no insanity will be developed in a prison—let the system be what it may—is a fallacy, never to be realized—and when such a result has been reported, we cannot help believing that such apocryphal conclusions have been drawn from extremely limited or careless observation, if not based upon entirely erroneous ideas of mental disease.

Without the provision referred to for those who are now insane,—without the means indicated for preventing insanity from being sent to our penitentiaries, and without the faithful and prompt carrying out of all proper hygienic and preventive measures in our prisons, we must expect that in the future, as heretofore and at present, instead of devoting all our energies to the improvement and perfection of what seems, to us, the only true system of prison discipline, we shall have to labour to dispel the doubts and fears of honest inquirers, to disprove the bold assertions and sustain the denunciations of those, whom we hope we do no injustice in regarding, as rather the uncompromising and determined opposers of that whole penitentiary system, than calm seekers after truth, and advocates of public good alone.

NOTICES.

The Clergyman in the Jail ; an Essay on Prison Discipline. By George Heaton, M. A., Assistant Chaplain of Gloucester County Jail and Penitentiary. pp. 179. London, 1847.

In our number for April we ventured to express some views, or rather to present to our readers some suggestions, concerning the office and duties of that very important functionary *a prison*

chaplain, or (as he is sometimes called) a moral instructor. For aught we know or have heard, those suggestions were generally well received. If any objection has been made to them, it has doubtless arisen from misconception of the design and character of the article.

Since that time, and without any collusion on our part, (however singular the coincidence may appear,) there has been thrown upon our table an unpretending volume, in stitched covers, the title of which is above recited. Standing outside the prison walls, we set forth what we conceived to be the most essential qualifications of the religious instructor and guide within, and scarcely had we done speaking when the man himself comes out to us, and tells us what he thinks of these grave matters with which he has been personally identified.

Our purpose in bringing this pamphlet to the notice of our readers, is to avail ourselves of some very good hints which it contains, and also to amplify one or two points on which the author but slightly touches. We shall do the readers of our journal a better service in this way than by transcribing the whole or large portions of the work—inasmuch as the style is often awkward and obscure, sometimes almost unintelligibly so; and many of the opinions advanced or advocated seem to us crude, visionary, and unsafe. With all this, however, the author is evidently a true friend of the prisoner, and a man of close observation and independent views. His opportunities to investigate prison history, and to analyze the various influences by which the character and condition of prisoners are chiefly affected, have been rare and well improved.

In a sort of apologetical preface addressed to an intimate friend, the author mentions two considerations which influenced his mind to publish his work—one is “the merciful arrangement to prescribe for crime the correctives which, if applied sooner, might have saved disgrace;” and the other is “that less costly, because more contracted schemes of moral reformation would be found conducive to the elevation of our common character as man,” (p. 6.) If we rightly apprehend the force of the first of these considerations, it is that well-managed houses of Refuge or schools of reformation for young persons, who have just en-

tered upon a criminal career, and who may be rescued by wholesome discipline, are mercifully designed to avert the disgrace and infamy which attach to a later stage in the downward road. And from the second we infer, that he would rely on a class of schools like the Ragged Schools of London, or the Industrial Schools of Aberdeen and Glasgow, to reach the depths, and good Sunday and daily schools to embrace the better or improved orders of the community—hoping from these sources to derive a salutary influence that should be felt and seen in the general elevation of society, and in a higher tone of moral feeling and sentiment.

We wish those who have the chief power to sway public opinion were more impressed with the value of a right good education as a preservative against the increase of crime. If we were to judge of their views by the speeches we sometimes hear or read, we might suppose they could not more highly appreciate the importance of general education, and that their conviction of the supreme importance of right MORAL INFLUENCES in all schemes of education could not be deepened; and yet the results, in this point of view, are rarely sought for with anxiety, nor does there seem to be a very marked disappointment when an educated boy turns out to be an accomplished rogue. In cases where the criminal propensity is already developed, (as in most of the pupils of the class of schools first above named,) no undue importance can be given to the TIME of applying the corrective. It may be delayed—in innumerable instances it is delayed—till the desire and the motive to the path of integrity are both extinguished in an overwhelming sense of guilt and degradation.

In the first chapter of Mr. *Heaton's* book, he tells us that he has had “an experience of nearly four years, daily, in a large county prison, and that this experience has been aided by an inspection of other prisons, and by the reminiscences of an acquaintance with the habits of the poor, arising out of a connexion of nearly five years with one of those jail-like establishments—a large Union Workhouse in the neighbourhood of London.” These are the schools in which he has formed his views of the results of penal processes. Here he had ample opportunity to mark the effects of separation and association; of mildness and severity *in discipline*, as well as to study the causes of crime, and the

ordinary probabilities of reform. And in one general opinion which our author expresses we heartily coincide—in that “it is the sacred duty of the commonwealth to take care that those whom she imprisons for a violation of her laws, shall not have the opportunity to form acquaintances with each other, nor to devise schemes for the future prosecution of their nefarious purposes—especially in an establishment maintained at public cost, and sternly engaged on the side of order and good government.” If this position were taken by all our states, and faithfully maintained, in practice as well as theory, it would make a marvellous revolution in the prison statistics of the country, before ten years were at an end.

Passing over some very sensible remarks upon the effect which is wrought on one's character and prospects by the mere fact of “*having been in jail*,” (no matter for what cause, or for what time,) we will advert for a moment to the author's idea of classifying *untried* prisoners, where the associate system prevails, in which proceeding he thinks the religious teacher should be largely concerned. The following is his schedule, and we copy it merely to show the extent to which he purposes to carry the classifying process.

“It would be very desirable for every prisoner to be introduced to the chaplain, before his appearance undergoes the change from washing and clothing. The *soi-disant* sailor might be unmasked to his own discouragement by an inquiry of foreign or naval matters. The blue frock or the white frock—the rags or the tidy raiment struggling with poverty—all these and many more, are useful *criteria* of which the chaplain is deprived by the system of *washing out* the prisoner before his introduction,—and to do good, men must look on men, not as they ought to be, but as they are. He should *reside* for this purpose, and it is manifest that he is to have most to do with them. He should therefore have a large share in assigning them to their proper classes, of which a large prison would probably consist of ten.

1. Men having been before convicted.
2. Boys having been before convicted.
3. Illiterate men not before convicted.
4. Illiterate boys not before convicted.
5. Prisoners charged with what used to be the capital class of crimes.
6. Men with a fair education not before convicted.
7. Boys with a fair education not before convicted.
8. Prisoners charged with nameless offences, convicted or not.
9. Females apparently not depraved.
10. The reverse.”

Those who advocate the associate principle on the ground that it allows the introduction and profitable pursuit of trades and manufactures, which require a combination of many hands,

would of course lend an unwilling ear to such a "cut and thrust" process as this. Far different questions would necessarily be raised by them, such as, Will not that fellow make a good hand in the harness shop? Would not that boy serve the cook's purposes in the kitchen? And can we secure a better nurse than that short, fat woman who came in yesterday?

What trades have they learned, and how can their attainments and accomplishments be made most conducive to the prison revenue, are the questions of primary importance in all prisons where the moral atmosphere which the unhappy culprit is to breathe, and the hope of restoring him to the paths of rectitude are regarded as points of subordinate interest.

Mr. Heaton has very little faith in cellular instruction where the number of prisoners assigned to the care of one instructor exceeds one hundred; nor does he think it practicable even with that number to effect much good, unless the clergyman resides wholly in the jail.

"The instrument of moral reform must be always at hand. '*The clergyman in the jail*,' is the thing wanted. The very known facts of his coming to the jail, and his departure *from* it, are in themselves hostile to moral improvement. *It is his parish*, and he ought to be in it. All the greater evils of the non-residence of clergy are here gathered into one head; for here there are always cases in want of him; here his work is *the work*. The barring of doors must be done, but it is not the work of reformation. Prisoners must be exercised, their health demands it, but that is not the work of imparting saving health to the mind. Turnkeys must be prompt, decisive, and regular, but *their key* is not to open the long-closed [!] avenues of grace—unfolding to entertain the King of glory—gates hitherto unpassed, and held to be impassable. Then put your clergyman *in the jail*. There he ought to be, and there he may do his work; did I say *his*? I mean his Master's work."—pp. 50, 51.

In the fourth chapter of Mr. Heaton's book (on convicted prisoners) he enlarges upon the intimate relationship which subsists between the *present* treatment of a convict, and the prospect of his reformation. He holds that "no punishment can be right which does not embrace at least the *earnest endeavour* to reform the subject of it." Without this, he regards "punishment as mere vengeance." "The paternal attribute of the magistrate, the sanction sought from religion, and the spiritual comfort which is due from both, all demand that there should be no *punishment with a vengeance*." But he says "UNASSOCIATED CONFINEMENT IS EVIDENTLY NECESSARY TO THE INDIVIDUAL TO BE REFORMED. It cannot

be done in the soldier-like kind of life which prisoners enjoy who feed well, and sleep well,—work a little and learn a little, enjoying the varieties of society which *oyer and terminer* is constantly pouring out, and lamenting only that they cannot go to the public house when they like. If any one could object to the amputation of this diseased limb of prison discipline, a constant intercourse with the subject would convince him how utterly inadequate to the task of reforming criminals, is any species of confinement which permits social intercourse among them. Here two or three are sweeping, or white-washing, &c. There three or four are being shaved, or waiting their turn to be shaved by the barber. In the cook-house, another little batch is growing fat. These constant associations, *even where an unassociated plan is in professed operation for convicted prisoners*, afford too much reason to fear that if they who are thus privileged do not come back again, that it will not have been the discipline that reformed them.” (p. 38.) If we are not under singular misapprehension, these remarks might seem very pointed in their application, did we not know that “the clergyman in the jail” has never crossed the Atlantic.

We think we do no injustice to the reasoning of our author when we reduce it to a syllogistic form thus:—

No punishment can be right which does not embrace the idea of the prisoner's reform.

This idea can be embraced in no system of convict-punishment but on the unassociated or separate plan. Therefore,

No convict punishment can be right upon any other but the separate or unassociated plan.

This is not our argument, however, nor are we prepared to father it. It serves our purpose if it shows the firmness of the author's conviction of the superiority of the separate or Pennsylvania theory over any and all others.

We know not what opportunities Mr. Heaton has enjoyed to investigate and ascertain the extent or causes of popular discontent and heartburning in his country. Still less do we know what may be his political biasses or associations; what natural or acquired habits of mind he may have to fit him for such inquiries; nor how comprehensive may be his views of the order and principle of the social state. But he certainly gives us a

new idea on the subject when he intimates that the popular discontent to which he refers, *may have sprung from the ill-treatment of convicts in prison*. He inveighs indignantly against the tread-wheel, which all must admit to be a strange and barbarous contrivance for purposes of discipline. "The tread-wheel will harden their hearts as it makes its sullen rounds; but as it will neither instruct them in labour nor prepare them for it, even if no other labour can be substituted, they had better be confined to the book. There are, however, many simple things which they might be taught to make, as list-shoes, mats, &c., and they might put this knowledge to an honest use when they get out, instead of employing the recollections of the wheel to provoke curses on the law—deep, if unheard, curses on all magistrates, parsons, doctors, and all who seemed to share in their remembrance. Who knows but this is one main root of the bitterness, the ill-will, that *universally* prevails in the lowest towards their superiors, not including only the very rich who can afford to purchase their favour or submit to their knavery? *For it is a large portion of the labouring poor that have drunk at the waters of this Meribah*, and hardened their hearts in this wilderness of Sin." (p. 61.)

Can it be possible that "a large portion of the labouring poor of England" are discharged convicts!

Great as are the evils and abuses of the English prisons, Mr. Heaton is evidently impressed with the vast improvements which have been made, and the capabilities of still farther improvements, which the labours and investigations of modern philanthropy have developed. And the greatness of the change is made the more imposing to our author from his ability to contrast it with scenes of which he had been an eye-witness. He describes particularly the spectacle in the prison at York Castle, where convicts under *sentence of death* roared with laughter at their own misery—playing at soldiers, and stumbling in the heavy irons which bound their hands and feet. "Few perhaps," he adds, "could have thought that prisons would come to be quiet moral places, with a daily service to the Creator, and a constant operation of good offices for the real benefit of his unworthy and unfortunate creatures." (p. 10.)

The contemplation of this marvellous melioration of the con-

dition of prisons, naturally leads our author to investigate the history of the change, and as naturally brings him to Philadelphia, where, in 1787, the Society was established, under whose auspices these pages are published, and whose name embodies the great principle of its organization, i. e. "the alleviation of the miseries of public prisons." It was indeed at a much later period that the labours of those philanthropic men were brought to the specific results of what is now known as the Separate or Pennsylvania System. He says:

"Philadelphia, if it have perished in the Eastern world, arises with exemplary beauty in the West. The Separate System, borrowed perhaps* from England at the first, has been tried (they say) with success† in the United States, and already copied into the old country. The great kingdoms of Europe, too, are awakening to the errors of past *penology*, to use the coinage of a Professor; the present king of Sweden is in favour of the change; the king of the French is turning his sagacious mind to the subject; a sort of convention has been held at Frankfort, the resolutions of which are comprehensive and grand; while the subject is daily being more inquired of, more sought into, more understood by an increasing number of the friends of charity, rational, just, and evidently sincere." pp. 10, 11.

Our author does injustice to himself by his strained criticism upon the *words* by which the two prevailing systems of discipline are designated. He affects (for we should insult his understanding to suppose he feels) a doubt as to the meaning of the word *separate*. He suggests that "to say these men are in *separate confinement* might be taken to mean that they are all together, though in a state of separation from some others." In this sense, all prisons are on the separate plan, inasmuch as all prisoners are separated from the unimprisoned community. Mr. Heaton more than intimates, too, that the term *solitary* is avoided purposely, or for prudential reasons, because it is repulsive in its associations, and not because of its inappropriateness. Does he not know that there have been advocates of literal, strict, unalleviated solitude, as a method of primitive discipline, and that the opponents of the Pennsylvania principle have often sought to bring it into disrepute by attaching to it the odium of such intolerable seclusion? Is he ignorant that the very gist of the controversy of which he has so much to say, is not whether a body of prisoners shall be separated from some others, (within

* And perhaps not.

† Does any sane man doubt it?

or without the walls,) but whether the individual convicts shall be separated, *each from the other*, so that no knowledge of their several persons, either by sight or sound shall be attainable, nor shall they be assembled together daily in the workshops, at meal-times, and at worship, under a prohibition of intercourse—their seclusion or separation being only by night?

We have no objection to the terms *associated* and *unassociated* if they suit a whimsical man's taste, though we cannot see the force of our author's objection to the received and well-understood word *separate*, as applied to the Pennsylvania discipline, and which he very properly defines to be "the state in which a person is cut off from the society of his fellows, and limited to that of his appointed teachers, friends and guardians." (p. 13.)

In the course of his observations upon the workings of this system, the author adverts to the difficulty of cellular teaching without a very large increase of the number of teachers, (say twice or three times the force at present applied.) "Such is the torpor of mind, and the sluggishness of energies, in a person depraved and uneducated, that even ten minutes as the average duration of each individual's instruction, cannot be pronounced a maximum." (p. 24.) And again, "It were idle to suppose *one* could do them, (the prisoners) any real service by cellular instruction when they amount to more than a hundred, and were in the main so pitifully ignorant as we find them. As it is, it is a work not nearly half done. The engine groans and puffs, but the progress is slow, and the end seldom attained for want of power. Other parts of the system are well attended to. The medical office is thoroughly complete, because we allow as much force for the few cases of sickness as for the whole bulk of all the cases of moral and religious distemper." (p. 45.) Our author's nerves would ill endure an American penitentiary, with from 300 to 800 convicts, and only one "clergyman in the" whole "jail," and he perhaps not the most skilfully trained, to minister to minds diseased.

If Mr. Heaton's authority may be relied on, he furnishes us with a very significant fact, and one which, if well considered, might tend to important modifications of prison administration. "My own experience shows me," he says, "that the choice of *unassociated* confinement is commensurate with education, or *nearly so*; and the reverse, that where there is evident debase-

ment, you will, in every case, find a clinging to association." (p. 26.)

So far as this position is confirmed by the history of the inmates of separate prisons, it shows that those who have some remnants of self-respect, and who of course are the most promising subjects of a reforming process, are likely to become desperate and irreclaimable by being thrown into *any kind of association with the mass of convicts*; while those who are already debased, dread to be separated from the company of others as polluted and degraded as themselves. All this is in accordance with the known laws of social existence, and although it may be that these last will find a separation from "birds of their own feather" an intolerable grievance, and here and there an individual may suffer in body or mind, or both, from the severity of the privation, it would still be a short-sighted policy to consign the most promising subjects of an expensive discipline to hopeless incorrigibility, rather than expose the ignorant and debased to suffering, for want of fellowship with kindred spirits. It seems to us that a more unequivocal and pertinent testimony could not well be given to the superiority of the separate mode, and we heartily commend it to the consideration of inquirers.

Though Mr. Heaton is a stanch advocate of the separate system, he suffers not a little from never having seen a prison on this plan. We might assume that he has not enjoyed such a privilege, because we cannot otherwise account for many of his views. But he frankly avows that all he knows of the system is from others, and we hold that no hearsay evidence or force of reasoning will answer any purpose at all compared with a visit to, and a faithful personal inspection of well-constituted and well-administered separate prisons.* He is evidently under a misapprehension, or he is governed by theoretic views, of the severity of the discipline. He thinks no sentence (save for crimes of the deepest dye), should exceed three, or at the most, five years. "The mind of man must sink, knowing it from the first. Better to sentence him for a period *hereafter to be determined*, but not made known to *him*; but a sentence of eight or

* This is one cardinal defect in the qualifications of Mr. Gray, of Boston, who has lately published a pamphlet on the subject, to which we may hereafter call attention.

nine years to unassociated imprisonment, must give him all the horrors (or the joys—it hardly seems to matter which), of the prospect of an intervening dissolution.”—(p. 62, 63.)

We do not say what room there is for a modification of our criminal code, to make the terms of imprisonment longer or shorter, according to the nature of the discipline inflicted. Indeed we are prepared to admit that few points of our penal legislation are left so open to animadversion as this. But Mr. Heaton has only to examine the annual returns of the Pentonville prison, or of the Eastern Penitentiary, to see that the effects of the discipline are not so terrific as his fancy paints them. Most of the objections to the separate system have been urged against the essential element of separation *in its present effects* upon the sufferer's mental and physical nature. Its opponents have not been willing to admit it to be the best even where the confinement under it “is limited to three or five years.” This admission would nearly or quite terminate all controversy on the subject. The “intervening dissolution” occurs (if at all) nearly always within the first three, and very frequently within the first two, years of the term of confinement, and of course would not be avoided by our author's limitation. We apprehend that much stronger objections lie against long sentences, *as such*, (let the discipline be what it may,) than against the undue or unsafe severity of the separate system, but it is not to our present purpose to state them.

We have left ourselves too little room to say, what we had designed to say respecting Mr. Heaton's chapter on the *officers of prisons*. It would be so easy to misapprehend or misrepresent anything *we* might say, as having a personal or invidious bearing, that we gladly avail ourselves of these hints from a foreign source, which are of course above all such narrow constructions. “I suppose,” says our author, “it will be allowed that *efficiency* in the discharge of a very responsible duty should be required in the gentleman who may be selected as governor, medical officer, or chaplain of a prison. The moment such an office, as any of these, is given for a provision for a needy candidate,” (or with a view to advance any private, temporary, or partial end)—“may be the beginning of evils of which the end or measure is inconceivable.” (p. 65.)

And again—“These officers constitute the staff of the institution. Let them be frank and honourable men, yielding mutually

and reciprocally, yet without ever condescending to *shirk* a duty. If, on the contrary, there be a peevish thin-skinned jealousy, when one, in the conscientious exercise of his functions, seems to trench on the province of another, much that is disheartening and chilling is sure to be the consequence." (pp. 65, 66.)

When we consider that in some prisons the power to appoint and discharge subordinate officers is lodged in the hands of the governing head, whom we designate as warden, and that his influence is of course felt and seen through all grades of the prison police—we must allow that whatever weight there is in these views when applied to the staff generally, becomes tenfold greater when applied to the officer-in-chief. He needs not only personal qualifications for the wardenship—or post of principal director of the prison police,—but he must have sound wisdom, and close discrimination, and stanch integrity, in determining the qualifications of others. The medical and moral officer must be personally faithful, but the warden, in addition to his personal fidelity, is to see that others are faithful. His private example will have great force, but the consciousness that his eye is upon those who act under him, and that he follows them with sleepless vigilance in their routine of daily duty, is not the less needful. It is a common mistake in the appointment of such an officer in our country, that a single prominent qualification is so often clothed with undue importance. A very humane man may be unreasonably indulgent, and a good-natured man most injuriously indolent—a very religious man may be anything but practical, and a very economical man may be a shamefully oppressive one. It is indeed very difficult to find men who will take such an office, and who unite in themselves the various qualifications which all of us would deem important if not essential; but it is not necessary to magnify a single good quality so enormously as to hide palpable and ruinous defects.

Mr. Heaton seems to be fully aware of the importance of trifles, and he ascribes to manners, tones of voice, and even to a turn of the eye, a measure of importance which to those less familiar with the maxims and principles of prison philosophy might seem quite exaggerated. Even the very modest claims we made in our late article on Prison Chaplains, were thought by some to be extravagant if not puerile. But we are sure the

author of the "Clergyman in the Jail," would not only indorse them, but would extend them much farther.

We fully accord with Mr. Heaton in the opinion that not only should a watchful regard be had to good manners and a scrupulous propriety in their intercourse with each other and with the prisoners, but that a like obligation is laid on inspectors, official visitors, and casual company. A gentle deportment towards those under their care, relieves the executive officers of a prison of much of the odium that attaches to a supposed professional, or mercenary occupation. A prisoner of the lowest capacity will have shrewdness enough to see, and boldness enough to say—to himself—"the warden (or the physician, or the keeper, or the teacher, as the case may be,) is paid for coming to my cell at stated periods, but he is not paid for being kind towards me. He is bound to see me, but he is not bound to say 'good morning,' or 'how are you to-day?'" "And truly," says our author, "I can see no reason why (with a severe regard to discipline) the duty of being courteous to all men, kind, compassionate, and brotherly affectioned, should suffer an exception in the case of men accused or even convicted of crime—for *nomine mutato de te.*"

We are disposed to think that our author ascribes more power to the influence of "A Clergyman in the Jail," than it will ordinarily be found to possess. If the duties of a literary teacher are combined with it (a union which we think he would deprecate) we might not take exception to his views. "If the clergyman's conversation is to be of much use," he says, "it must be renewed at least daily. Then one can hardly compress the advantage in a less space of time than ten minutes, and thus the daily visitation of sixty prisoners would occupy a daily labour which no living man could endure for seven years, without a sacrifice of health or life, to which no rightly ordered estimate of duty can bind him."—(p. 21.) He adverts, for illustration, to one prison attended by "two chaplains, each devoting five hours a-day and an average of one hundred prisoners to each, which would allow just six minutes to be bestowed on each, leaving all other duties out of the question. But it is evident that the other duties of the chaplain must occupy half his time, including the *unlocking* and opening, and passing to and fro—and a conclusion

is arrived at which perhaps justifies the apprehension that such visits are in danger of dwindling away to a mere inspection—a mere ‘How do?’ sort of affair, even with the best and most enduring attention to duty—three minutes and a half perhaps, every other day, or a minute and a half daily.”—(p. 23.)

There is no passage of the book which so much shakes our confidence in the practical wisdom of the author as that we have just quoted. One would suppose that religious influences were to be distributed from cell to cell as a sort of spiritual ration, instead of being administered like the most effective and precious medicine, with due reference to the constitution and habits of each individual, and to his present symptoms of disease. Is it not the peculiar office of the “clergyman in the jail,” to watch the ever varying tempers and susceptibilities of prisoners, and to suit his ministrations, in their character, season, and extent, to the condition and circumstances of each? And will not this forbid any exact apportionment of time, leaving him at liberty to abridge the length of his visits to A, B, and C, if he judges it needful to prolong them to D, E, and F? If the number of prisoners is fixed and the time limited, the chaplain can readily divide the one upon the other and determine what he can afford for each, but if he governs himself in his official course, by an arbitrary apportionment like this, it may well be questioned whether his visits had not better be entirely forborne.

That “The Clergyman in the Jail” enjoys a most favourable position to exercise a healthful influence upon the inmates, none will deny. The soothing and subduing influence of divine truth, when it takes effect upon the mind even of a wretched convict, is often surprisingly great. Separated as he is by his official relations from all the severer disciplinary contact with the prisoners, he may have easier access to their confidence, and a proportionably greater influence in suggesting better motives and juster views than have heretofore influenced them. But to make the best of his opportunities, he must have no ordinary knowledge of human nature, and no common versatility of talent and quickness of perception. He will not think of prescribing to himself mechanical rules of visitation, except so far as the regulations of the prison may require it, but with a comprehensive and elevated view of his relations as “a minister of God for

good," to the wretched and guilty and miserable children of men, he will address himself to his delicate and responsible duties with a humble desire to imitate his Divine Master, as well in the seasonableness and appropriateness of his ministrations, as in the kindness, seriousness, and sincerity of them.

We have always regarded "The Clergyman in the Jail" as most favourably situated to inculcate the spirit of submission and subordination. Having no occasion to use authority, his motive for urging this duty is above suspicion, and he does an invaluable service to the community if he succeeds. His well-timed instructions coupled with the gentle and conciliating deportment of the executive officers, at which we just now hinted, will go far to allay any spirit of revenge, or of hostility to the community, from whose society he has been expelled, which often rankles in the bosom of a convict. The importance of suppressing these violent emotions is equally obvious, whether we regard the effect of the present discipline upon the unhappy man or his future course in life. And the interest which the community has in the event is not less apparent. An ill-disposed man has it in his power to take signal vengeance on his prosecutors; he may be the instrument of destroying millions of property, or of terminating valuable lives; he may keep the community in constant excitement and alarm, and corrupt and mislead hundreds of unwary youth, and withal escape present retribution. If it is not worth while to mollify the feelings of such a man, it is certainly bad policy to exasperate him, to nurture his worst passions and prepare him to return to the community at war with the wholesome restraints and fundamental laws of society. To chain a dog will render him ill-natured. To tease him, when he is chained, will make him ferocious. Whatever excuse or apology may be offered for a neglect to exert these appropriate influences in our associate prisons, there can be none where the separate system prevails—indeed this is one of its distinguishing excellencies, viz. *that the discipline may be rigidly maintained upon the mass consistently with the safe and perfectly feasible relaxation of its severity in individual cases.* In this point alone it has a superiority over its rival which cannot be denied nor concealed. In a congregate or associate prison, the same stern, inexorable despotism reigns over all. It cannot be otherwise.

To relax it for a moment is to invite the discontented and reckless to revolt. To show partiality under such circumstances is to awaken the most violent and untameable passions of our nature. But in the cellular administration of discipline there is ample room for a modification of treatment, to suit the temper, character, and present state of each individual convict. The measure of indulgence, or privilege, or sympathy, may be judiciously granted in each case, and all this without prejudicing the mind, or exciting the malignant passions of lookers-on. And we do not hesitate to say that a corps of intelligent officers, acting under the influence of Christian motives and principles, must enjoy a thousand opportunities to modify their course of discipline most advantageously to the well being of the prisoner, which the associate or congregate system cannot offer.

We may possibly return to Mr. Heaton's book at a future day, and draw from it some useful hints concerning the religious services of prisons, the instruction of the inmates in useful knowledge, the causes of crime, and the means of its prevention, which are the remaining topics of his pamphlet; but our limits for the present article are already considerably overstepped.

Insanity under the Silent System. By M. JORET.

M. JORET, the medical superintendent of the female prison at Vannes, recently forwarded a paper to the Académie de Médecine, giving an account of the great increase of insanity in that establishment since the adoption of the system of working and sleeping in common, but in utter silence, under pain of severe punishment for the slightest infraction of this. He stated, that of 872 admissions in 1842-4, 414 had been liberated, 19 pardoned, 8 removed to other prisons, 81 had died, and 25 proved insane; and this large mortality and number of insane he refers to the system adopted. In this opinion M. Collineau, the reporter on the paper, agrees. Himself superintendent of female prisons in Paris during 40 years, he has had full opportunity of proving that mere detention, if the prisoners are employed, will not give rise to insanity. M. Nacquart stated that, however true M. Joret's observations may be as regards Vannes, it is certain they will not apply to many other prisons he has visited, at which the same system has been adopted. M. Ferrus, Inspector General of Lunatic Asylums, explained that the intention of the government had been, that at the central prisons the inmates should work, eat and take exercise in common and in silence, and sleep in separate cells; but that the crowded state of most of these prisons, and the fact of their not having been originally constructed for detention, prevented this from being carried into effect. This crowded state of the establishments has rendered the adoption of the silent system a matter of great difficulty, entailing numerous and severe punishments for its enforcement, which, conjoined with an insufficient diet and exercise, have produced a bad effect upon the moral and physical condition of the prisoners. The number of insane that these establishments produce is, however, much less considerable than M. Joret's statement would lead us to expect; the proportion in his establishment so far exceeding that of others, as to demand inquiry into the cause. Moreover, there the cases have

been chiefly examples of general or partial maniacal delirium, while in the other prisons we find more of intellectual debility, giving rise to imbecility and dementia. "Indeed, most of these unfortunate beings, even on their arrival at the prisons, give tokens of these conditions; and long observation authorizes me to say, that if those of the accused whose mental condition appeared doubtful or very obtuse, were submitted to a careful medical examination, a certain number would escape condemnation, as being unable to appreciate the morality of their actions." M. Londe observed, that to carry this system out, the number of punishments rendered necessary on account of infraction of silence is truly enormous; and that not only does physiology point out the danger of suppressing the manifestations of our impressions, but statistics have repeatedly recorded the fatal results of the attempt.—*Bulletin de l'Académie*, t. xiii. pp. 489-505.

[While upon this subject, we may direct the attention of our readers to a highly interesting paper by M. Lelut, in the "*Gazette Médicale*" for 1846. It details the results of a tour of inspection of the cellular prisons of France he had just returned from making, by desire of the government. He speaks unfavourably of the silent system; but of the *separate* or *cellular* system, adopted in about twenty-four or twenty-five of the principal prisons in France, he reports in warm terms of approbation. He found governors, chaplains, and medical attendants unanimous in their approval of the change which had been thus wrought in the condition of the prisoners, who, indeed, themselves fully appreciated the advantages of the system. Under its adoption the amount of mortality had become reduced a half or a third in different prisons; while insanity, which, among men at liberty, prevails in about the proportion of 2 per 1000, and which, upon the old prison system in France, averaged 10 per 1000, now ranges from 2 to 5 per 1000 in the various prisons, some not having had cases of its occurrence for very many months. He justly observes that, in reasoning upon this subject, people take no care to inform themselves of what are the true facts, and compare the results with those observed in man at liberty, instead of with those derivable from different forms of imprisonment.]—*British and Foreign Medico-Chirurgical Review*, July, 1848.

Insanity on Trial.

THE medical witness in this country oftentimes finds himself in a painful position, owing to the incapacity of judge and jury for the appreciation of the teaching of the sciences of which he is the interpreter; and in this way persons are subjected to all the penalties of crime of which their calamity should render them irresponsible, while others are allowed to endanger the peace of society, because their aberrations are not grossly palpable. Something of the same kind, it seems, prevails across the Channel; and the "*Gazette Médicale*" takes the case of Marshal Mortier as an occasion for making a few remarks upon the subject. Having attempted the murder of his children, he was consigned to a lunatic asylum, but appealed to the tribunals for his liberation on the ground of his sanity. He conducted his case with so much sagacity, ingenuity, and plausibility, that his counsel was enabled to make a powerful appeal in favour of the improbability of a man suffering under any aberration being able so to act. It required the tact and discrimination of medical men to be able to pronounce him partially insane, as evidenced by his groundless belief that he was hated by his friends, and his consequent desire of revenge.

An erroneous opinion, observes the *Gazette*, extensively prevails, especially among the members of the long robe, that every one is fitted to form a judgment on the question of moral irresponsibility; it being sufficient to be possessed of one's own reason, to decide whether that of another is perverted or not. And yet it should seem that the physician, occupied in observing the cerebral mechanism, both in its normal and perturbed states, and aided in such study by the confirmations or corrections derivable from these varied conditions, should be especially enabled to determine the state of this mechanism in a given case. There are two circumstances especially liable to lead those into error who have not devoted prolonged consideration to the subject. The first is the *partial* form of certain alienations, a form far from being a rare one, however problematical the existence of a pure *monomania*, confined to a single idea or sentiment, may be. Sometimes the disturbance is *purely instinctive*, being rather a want or impulse, than a delirious *conception*, and the subject may be invincibly driven to murder or rob, without any apparent

motive. Sometimes certain of the ideas or sentiments are disordered, and a perversion of these ensues. Except for such disorder, as well as certain peculiarities of character, great volubility of language, &c., the person may appear quite reasonable, and is often clever, cunning, and intellectual; and setting out from his false conceptions, he may pursue a perfectly logical chain of reasoning or actions. Demand of such a one how he came to kill his imaginary enemy; and a person not deeply versed in mental pathology might easily suppose he had acted knowingly, of his free-will, and with perfect self-consciousness. The lunatic may even favour this interpretation by displaying his motives and the proofs of his premeditation; but the instructed physician does not stop at these facts, but ascends to the source, and finding this to be a true alienation, he removes from the patient a terrible responsibility.

Another circumstance which renders the problem even yet more difficult for the inexperienced, is the fact that this partial insanity exhibits itself far more readily in regard to the *affections* than the *intellect*. Beings formerly the most dear to him excite beyond all others his aversion or distrust; and the lunatic need not offer any sign of intellectual disturbance properly so called. He is, according to the expression of Esquirol, a reasoning madman, but also an irresponsible one. The facilities for a misappreciation are here obvious. A patient who speaks at random, who is totally unable to reason, and is the victim of the strangest hallucinations, is at once easily recognised as a madman; but the lunatic of whom we are speaking resembles in so many points the generality of men, that the physician is perhaps alone enabled to recognise the sad affliction of which he is the victim.—*Gazette Médicale*, 1848, No. 8.—*British and Foreign Medico-Chirurgical Review* for July, 1848.

OBITUARY.

THE LATE MESSRS. CRAWFORD AND RUSSELL.

We gladly avail ourselves of the opportunity to publish the following minute, unanimously passed by the Philadelphia Prison Society in relation to two most deservedly distinguished and lamented prison discipline reformers and philanthropists, whose deaths occurred within a short period of each other in the early part of the past year, and whose decease in the very midst of the labours of love to which their lives had been devoted, we most sincerely regard as a heavy loss, not only to their friends and country, but to the whole civilized world.

It would afford us a melancholy satisfaction, were the space allowed us, in introducing the record of our Society, to indulge in some personal expression of the feelings which are abundantly dictated by a grateful and affectionate recollection of many pleasant and instructive hours of intercourse enjoyed under their own hospitable roofs with these honoured and successful champions of the cause.

Whereas, the Society has heard with deep regret of the decease of WILLIAM H. CRAWFORD and WHITWORTH RUSSELL, both of London, and both long and actively engaged in the service of the British government as Inspectors and Visitors of public prisons.

Many of the members of this Society cherish a vivid and grateful remembrance of Mr. Crawford's visit to the United States as one of the Commissioners for the examination of our pénal and reformatory institutions. His lucid and practical report to the British government at his return has been justly regarded as an able and complete vindication of the separate system as recognised by this Society, and has probably done much towards introducing that salutary and essential principle so extensively into the recent prison reforms of Europe.

Many of us have lost in Mr. Crawford a personal friend, in whose character urbanity, kindness, and accessibility were prominent traits.

His devotion to the cause which had engrossed so much of the energy of his body and mind, continued unabated to the very hour of his dissolution. He fell at his post.

The Commissioners of the model prison at Pentonville, in a postscript to their fifth report, thus allude to the melancholy event :

"Previous to the final adoption of this report, the deliberations of the Board were arrested by the death of Mr. CRAWFORD, who was suddenly seized in the Board-room, and expired within a few seconds. The Board have added this postscript for the purpose of recording their deep sense of the valuable services and amiable character of him whose loss they deplore."

And Col. Jebb, Surveyor-General of prisons, who was an intimate personal friend and colleague of Mr. Crawford, in his second report to the government says :

"I cannot conclude a report in connexion with the great question of separate confinement without adding my humble tribute of respect to the late Mr. CRAWFORD, whose report brought the question under the direct consideration of Parliament, and whose subsequent exertions, aided by those of his colleague, Mr. WHITWORTH RUSSELL, have been so effectual in promoting its adoption in this country. His life may be said to have been devoted to the cause he so warmly advocated, and was suddenly terminated during the discussion of the concluding paragraph of the fifth report of the Commissioners of Pentonville, at the point in which they were about to record their opinion that the separation of one prisoner from another is the only sound basis on which a reformatory discipline can be established with any reasonable hope of success."

Mr. Russell, to whom Col. Jebb alludes in this paragraph as Mr. Crawford's colleague, was a martyr to his zeal in the cause of prison reform. Allied by birth to a noble family, and qualified by talent and education to occupy a post of great responsibility and much less toil and self-denial, he entered with philanthropic ardour into the measures which were in progress in Europe to alleviate the miseries of public prisons. He was indefatigable in procuring the establishment of the model prison at Pentonville, and in furthering every suggestion for its improvement, as well as for the cause at large. Indeed his arduous and unintermitted labours proved too severe for his intellectual strength, and in a paroxysm of insanity he became the destroyer of his own life.

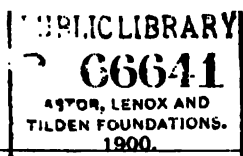
In alluding to the loss of two so efficient coadjutors in the work of prison reform, the Inspector of the Milbank penitentiary, who was their only colleague in the inspection of that unfortunate prison, says in his last report :

"If this were a fitting opportunity for the expression of an opinion upon the individual merits of the deceased, it would be the grateful pleasure of their surviving colleague to expatiate upon the zeal with which the departed gentlemen have devoted themselves for so many years to the improvement of prison discipline, more especially by the introduction into this country of the separate system of imprisonment. As, however, such a topic would be scarcely compatible with the formality of a report intended to be presented to Parliament, it is a great satisfaction to their colleague to reflect that the summary of their labours in this field is already before their countrymen and the rest of the civilized world, in the able report made by the former on the penitentiaries of America, and in their joint reports as Inspectors of prisons during the last twelve years."

In view of the eminent and valuable services of these distinguished gentlemen, thus briefly recited :

Resolved, That the friends and advocates of a wise and humane system of prison discipline have sustained a severe loss in the removal by death of Messrs. Crawford and Russell, of London, and that in token of our sense of this loss to us and to our country, as well as to Great Britain and the civilized world, the foregoing minute be entered in full on the minutes of this Society.

Resolved, That a copy of the foregoing minute and resolution be forwarded to the proper officers of the London Prison Discipline Society, signed by the President and Secretary.



TERMS:—ONE DOLLAR A YEAR IN ADVANCE.

THE
PENNSYLVANIA JOURNAL
OF
PRISON DISCIPLINE
AND
PHILANTHROPY.

EDITED BY
EDWARD HARTSHORNE, M. D.
LATE PHYSICIAN (RESIDENT) OF THE EASTERN PENITENTIARY.

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C O N S T I T U T I O N

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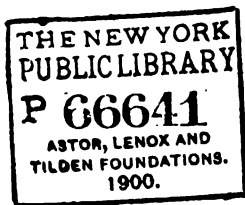
“Philadelphia Society for Alleviating the Miseries of Public Prisons.”

WHEN we consider that the obligations of benevolence, which are founded on the precepts and examples of the Author of Christianity, are not cancelled by the follies or crimes of our fellow-creatures: and when we reflect upon the miseries which penury, hunger, cold, unnecessary severity, unwholesome apartments, and guilt, (the usual attendants of prisons,) involve with them, it becomes us to extend our compassion to that part of mankind who are the subjects of those miseries. By the aid of humanity, their undue and illegal sufferings may be prevented; the links which should bind the whole family of mankind together, under all circumstances, be preserved unbroken; and such degrees and modes of punishment may be discovered and suggested, as may, instead of continuing habits of vice, become the means of restoring our fellow-creatures to virtue and happiness. From a conviction of the truth and obligation of these principles, the subscribers have associated themselves under the title of “THE PHILADELPHIA SOCIETY FOR ALLEVIATING THE MISERIES OF PUBLIC PRISONS.”

For effecting these purposes, they have adopted the following CONSTITUTION.

ARTICLE I.—The officers of the Society shall consist of a President, two Vice-Presidents, two Secretaries, a Treasurer, two Counsellors, and an Acting Committee, all of whom, except the Acting Committee, shall be chosen annually, by ballot, on the second Second-day, called Monday, in the month called January.

(See 2d page of Cover.)



OCTOBER, 1848.*

VOL. III.—NO. IV.

ART. I.—FEMALE PENITENTIARIES.

THE subject indicated by the above title is one of exceeding interest to every humane being. It embraces a consideration of the reform of erring females by means of temporary seclusion, regular occupation, and moral and religious instruction. It is, therefore, strictly cognate to our own favourite plan of prison discipline, and of course entitled to a place in this Journal. Our attention, just now, has been directed to it by the perusal of an article in the *London Quarterly Review*, which treats of the prominent topics in a kindly and practical spirit.† We propose to follow the reviewer in the order of his inquiries, and, for the most part, to adopt his own language. Of the justness of the sentiments expressed in the opening paragraph, there ought to be but one opinion.

“It is time to burst through the veil of that artificial bashfulness which has injured the growth, while it has affected the features, of genuine purity. Society has suffered enough from that spurious modesty which lets fearful forms of vice swell to a rank luxuriance rather than hint at their existence—which coyly turns away its head from the ‘wounds and putrescying sores’ that are eating into our system, because it would have to blush at the exposure. We are all aware with what haste a treatise avowedly dealing with the peculiar sins of women

* ☞ To explain any seeming anachronism in the present number, it may suffice to state, that we have availed ourselves of the delay in its appearance, to insert articles of a later date, for which we had not room elsewhere.

† The works placed at the head of this article are, 1. *A Short Account of the London Magdalene Hospital.* London, 1846.

1. *De la Prostitution dans la Ville de Paris.* Par A. J. B. Parent-Duchâtelet. Deuxième Edition. Paris, 1837.

would be burnt or buried, though its sole object were the promotion of virtue; while few drawing-room tables fail to exhibit novels and romances in which lubricity of sentiment and laxity of principle are easily discerned through the thin gauze of refined language. And yet ours is what Defoe would have called a 'broad-hearted' age; we are not sunk into our easy chairs in a drowsy apathy; there is blood and colour in the cheek of modern charity; we are sifting the causes of many immoralities, stopping up the sewers from which poisonous exhalations spring, interesting ourselves with hard-working earnestness in the improvement and welfare of the humbler classes of our countrymen. Look at our ragged schools and model lodging-houses, our sailors' homes, our asylums for servants out of place, our houses of refuge for discharged convicts; these are among the thoughtful inventions of recent philanthropy; whilst prison discipline is attracting a degree of care undreamt of by the most tender-hearted of our forefathers. And is it too much to say that the active sympathy shown in these and such-like efforts, by the higher orders towards those beneath them, may be numbered among the causes of that great internal quietness which is a marvel and a mystery to a convulsed and disjointed world."

Notwithstanding the activity which characterizes the march of philanthropy in the United States, we are, we believe, still behind our English brethren, in our not yet having two of the institutions referred to in the preceding extract, viz., model lodging-houses and asylums for servants out of place. With the last of these we hope to be able to dispense for a long time. As yet, few persons, if any, of either sex, suffer from difficulty in procuring a place.

The reviewer next proceeds to contrast the neglect with which the unfortunate and sinning female is treated, with the prompt attention and considerate kindness displayed to the young thief in his prison cell, up to the moment of his discharge. Once again in the world, the way of return to employment and trust, and even virtue, is not closed against him. "But it is closed for ever against the erring girl." Different, also, is the fate of one of the opposite sex who yields to this identical sin. "Even in the midst of his career he keeps his place at home." Warm wishes are expressed, prayers may oft be uttered that he will soon desist from his follies,—they are not always called vices. "And oftentimes this hope is fulfilled; *he* breaks off—he can break off—from folly; his blood cools;

he steadies down, wonders at his former self, and lives in usefulness and repute."

After asking the question, whether the unfortunate female "is to suffer *without hope*, without a chance of repentance, without the means of escape, whether she is *to lose all and for ever?*" the writer expresses a fear that the Church has not followed the example of charity set by its divine head, in this matter. "Several statisticians of authority agree in saying that three or four years of such a life end the scene; while the most liberal computation stretches the career, on an average, to the length of seven years. By this time, at the latest, their strength is run out, their constitution gone."

Respecting the attempts at reform hitherto made in England, the reviewer says:

"We have not the pain to say that no efforts have been made to lessen the evil. Something has been done; a certain number of feeble institutions creep on from year to year, offering scanty accommodation, languishing under the shade of narrow means or a burden of debt, unable for want of room or funds to carry out any efficient system of discipline or classification, and conducted on most imperfect principles. Put the capabilities of all these institutions together, and the number of those for whom they are designed, and then we shall see what puny, starved, and dwarfish measures we have taken to meet the huge mischief. And of these institutions, disproportioned as they are to the need, the greater part would have long since pined away, if they had had to trust to public generosity and external support. The labour of the inmates has saved them from falling to the ground;—they have been in a great measure self-supporting institutions. For example, in 'The London Female Penitentiary,' (one of the largest,) the subscriptions and donations of last year amounted to 724*l.*, while the work done by the women produced 1184*l.* But take a list of the whole of our Metropolitan Penitentiaries, with the number of inmates according to the last returns:—

| | Inmates. |
|---|----------|
| The Magdalene Hospital, - - - - - | 110 |
| London Female Penitentiary, - - - - - | 100 |
| London Society for the Protection of Young Females, - | 70 |
| Home for Penitent Females, Pentonville, - - - - - | 50 |
| Westminster Penitent Female Asylum, - - - - - | 27 |
| Lock Hospital Asylum, Harrow Road, - - - - - | 20 |
| British Female Refuge, - - - - - | 31 |
| Guardian Society, Bethnal Green, - - - - - | 33 |

"Such is the total amount of provision in London. We have not, indeed, given the utmost accommodation which these houses might afford, but we have set down what is practically found available—for in various cases rooms are unwillingly closed from the sheer impossibility of maintaining the complement. As to the number of the class abroad in London, it is difficult to reach an accurate statement; but the computations of the more *moderate* inquirers range from 8000 to 12,000;—and all that has been done by the concentrated efforts of humanity and religion to stem or drain off this restless tide of vice is to afford shelter to some 440. In the provinces we find the same disproportion. The Liverpool Penitentiary had last year 56 inmates, the Liverpool Benevolent Society 21, while the number of abandoned women, according to the police returns, was no less than 2290. The Birmingham Magdalene had 22 inmates; the police returns for 1847 make the houses of ill-fame 216; if we reckon three in every house, we place 22 opposite 630. The Bristol Penitentiary had 17 inmates; those on the streets, according to Mr. Talbot, were 1267. The Leeds Guardian Society had 11 inmates; Mr. Logan states the others at 700. The Newcastle Asylum had 26 inmates; the others were, according to Mr. Talbot, 451. The Manchester and Salford Asylum admitted 82; but the report fails to give the number who left the house. The Police Report of 1846 gives those out of doors as 738; and we must remember that the police only register the notorious."

Some have thought that the provision for the reception of penitents, small as it is, does not fall short of the demand; and that but few of the wretched 12,000 in London would desire to forsake their evil ways. This view is combated in the article before us, and the opinion of Duchâtelet is adduced in farther opposition to it. This singularly persevering investigator of the causes deteriorating the public health, who so closely sifted this question in Paris, gives abundant evidence that the desire to escape from the guilty course is widely spread. Often, as he has shown, the fatal step may be traced to utter destitution and overwork—"ill usage or evil example at home—the promiscuous mode of living in the families of the poor, which loosens the principle of modesty from the earliest youth—want of religious training—sometimes a promise of marriage made and heard, alas! in a weaker hour—sometimes a mere gust of passion, suddenly throwing down strength which had withstood many assaults." The notion, that, in London, the supply is equal to the demand, is overthrown "by the plain

statement, *that more apply for admission than the existing penitentiaries can receive.*" The proof of this is furnished in the reports of the different institutions for the relief of the unfortunate females, both in London and the provinces.

A knowledge of the fact, that many straggle into the penitentiaries from November to February, in order to get temporary protection, without any cherished intention to reform, ought not to diminish the efforts for this purpose, nor to close the door against a single applicant for relief. We may still hope that even the chance and unintentional interruption of their evil life, improved by kindness and pastoral ministrations, would awaken their dormant sensibilities, and lead their thoughts to repentance. But it is recommended, very wisely, not to stop short with simply finding food and shelter and suitable protection for those who apply. Measures ought to be taken "*for searching for the lost sheep in the wilderness.*" Many of the wanderers are detained by a false shame from presenting themselves at the door of the penitentiary, who might be led thither and persuaded to enter. The report of the Magdalen states "*that even the existence of the institution is little known to a great number of persons for whose welfare it is established.*" "Might not some mode of distributing papers be contrived, in which there should be all necessary particulars regarding penitentiaries, accompanied by some brief but strong persuasive to forsake such a life? It is strange that in this tract-distributing age we have never yet fallen in with a single earnest entreaty addressed to the sinner of this particular class! Drunkards, thieves, blasphemers, all have their appropriate tracts; *she* is left out." [See Note, at end.]

The question is next discussed:—"If there are so many leading a life they loathe, why do they not return at once to their parents' roof?" There are many obstacles to this course being taken, such as the cruelty of parents, which was the means at first of driving their daughter into sin; the stern and unfeeling conduct of others after her fall; the poverty of some preventing their offering a home to the returning penitent. Then, also, the fear that she may bring discredit on the house, unless her deportment be of the most guarded and careful kind—the risk of contamination of the other young members of the

family—and the appearance of encouraging similar sinning in them, by receiving her back again, are so many additional difficulties. Finally, as regards the daughter herself,—with the reviewer, “we believe it infinitely for her good, under all circumstances, that she should be able to shelter herself at first in a penitentiary. The better her parents, the more will she shrink from confronting them.” “Again, she wants an advocate to pave the way for her return. A year or two’s good behaviour at a penitentiary is a guarantee; she comes back as a penitent whom the neighbours know to have been some time under proper care.” She gets, also, a “character,” in the good report of the authorities of a penitentiary. But, “to take the most important point of all,” her great want is privacy, which, in the homes of humble life, she cannot, even with the kindest intentions of all its inmates, procure. Privacy is a necessary prerequisite and part of penitential discipline. Without it there can be no opportunity for meditation, for repentance, for spiritual reformation. “A religious house, a spiritual hospital is really what she wants”—“spiritual ministrations especially directed to her condition—in short, a mode of life provided and adapted to her circumstances. On these grounds, and particularly the last, we rest our appeal for the support and increase of penitentiaries.”

The reviewer, while admitting that legal enactments might be more stringent than they are, thinks that the temptations to sin and the evasions of its legislative penalties will always render penitentiaries necessary. He rejects the argument against a large provision for the means of retrieving character, derived from the fear that we are taking down one of the fences of virtue. Passion does not calculate, takes no thought for the future, either as regards penalty or escape from or extenuation of punishment. And, besides, if the argument were of any worth, “it must be evenly applied to all kinds of sinners; the whole doctrine of repentance would be set aside as hurtful to the cause of virtue and religion. Away with our model prisons, which in this view can be only considered as standing advertisements for the encouragement of thieves.”

The preventive and preservative character of female penitentiaries to the interests of society at large is well set forth in the following observations :

"But we take a narrow view of penitentiaries if we consider only the women themselves. Every woman rejected from their doors returns to her trade of contamination. Our population receives again a poison that it might have escaped; those who stand aloof from such a subject as this may suffer in their own families from the tide of iniquity they would do nothing to check. In the upper ranks it is impossible to say how much of domestic misery, broken hopes, ruined fortunes, lost character, and injured health, waste of mental and loss of moral powers, may be traced to the influence of those who might have been rescued. If we consider the less fortunate classes of society, how long is the inventory of crimes, of drunkenness, thefts, forgeries, embezzlements, which may all be traced back to the indulgence of one youthful passion! If, indeed, prison discipline is to have a monopoly of care, and those only whom the law reaches are to engross the energies of the humane, we venture to prophesy that our Pentonvilles, be they ever so multiplied, will never cease to be furnished with cargoes of living vice. We may cease to hope for empty cells and maiden assizes so long as, when the thief's punishment has expired, his paramour is waiting at the gate."

The actual effects of these institutions are next examined :

"That many, unable to bear restraint, stay only for a time, and return to their evil life, is true. We must be prepared for disappointments in all attempts to reform *habit*. But we venture to say that in no other cause will be found a greater harvest of substantial success. We read in the 'Short Account of the Magdalen Hospital,' that 'great pains were taken by the treasurer, in the course of the year 1843, to trace out the situation of all those young women who had left the house during the preceding four years;' and the result of the inquiry shows that *more than two-thirds of the number were permanently reclaimed* :—

| | |
|--|-----------------------------------|
| In service or with their friends, 151 | Sent to service or friends, - 49 |
| Married, - - - - 43 | Married, - - - - 1 |
| Dead, - - - - 5 | Left at their own request, - 5 |
| Lunatic, - - - - 1 | Dismissed for ill conduct, - 9 |
| Situation unknown, - - 46 | Sent to hospital, - - 1 |
| Behaving ill, - - - - 43 | Sent for pregnancy, - - 1 |
| — 289 | Sent to their parishes, - 2 |
| | Remaining in the institution, 100 |
| | — 168 |
| The Report of the London Female Penitentiary for 1847 gives the statement:— | |
| In the house at the beginning of the year, - - - 95 | |
| Admitted, - - - - 73 | |
| — 168 | |
| The Westminster Penitentiary, 1848, shows since the formation of that asylum in 1837:— | |
| Cases admitted, - - - 217 | |
| Restored to their friends or service, - - - - 105 | |

| | | | |
|--|--------|---|--------|
| The British Penitent Female Refuge, 1847, states:— | | The Liverpool Penitentiary:— | |
| In the asylum at the commencement of the year, | - 38 | Received from the commencement, | - 1425 |
| Admitted, | - 28 | Restored to friends, | - 470 |
| | —66 | The Devon and Exeter:— | |
| Restored to friends or in service, | - 27 | Received since the commencement, | - 362 |
| The Lock Asylum reports, from 1787 to 1846:— | | Restored to friends, or in service, | - 226 |
| Admitted, | - 1092 | The Gloucester Magdalen:— | |
| Restored to their friends or placed in service, | - 522 | Admitted since its institution, | 305 |
| The Liverpool Benevolent Society reports in 1847:— | | Restored to friends, or in service, | - 216 |
| Received from commencement, | 392 | The Bath Penitentiary during the last three years:— | |
| Restored to friends or in service, | 186 | Admitted, | - 99 |
| Married, | - 22 | Restored to friends or in service, | 37 |

THE SEPARATE SYSTEM.—“To descend to lesser, but not unimportant, defects that mar success, we cannot but notice the want of any thing approaching ‘the separate system.’ We are not dreaming of such a development of that system as has been exemplified at Pentonville; for in the first place, in penitentiaries we have to deal with what may be called voluntary prisoners; we could scarcely expect such a degree of voluntary isolation, and it would be difficult to enforce it; in the next place, it might be questioned whether the female mind would be able to bear so much of solitude after so restless a course of life spent in crowds and revels. But still we conceive a certain share of solitude is requisite for the furtherance of the great work. Some portion of the day should be spent alone; the hours might be so divided as to afford enough of society and fellowship to sustain the spirits, and also a sufficient amount of solitude to induce habits of reflection, self-examination, and prayer. ‘Commune with your own heart, and in your chamber, and *be still*,’ seems an exhortation peculiarly addressed to those who have been living in a constant whirl—hurrying from any intercourse either with God or with themselves. We cannot discover that any penitentiary yields suitable opportunities of privacy. The women have no cells or chambers of their own; seven or eight occupy one sleeping-room, and there appear to be no places of retirement into which they might withdraw for a portion of the day. This cannot be the way to encourage the habit of devotion in those who have left off praying. We know and deplore the difficulty that attacks boyish minds in having to pray before other boys—the evil that has ensued from depriving lads at school of privacy—from making them sleep in herds. The worse elements are apt to keep down the better; those who wish to pray often quail before the ridicule which has such power over weak, unstable minds. If this is the case where habit is on the boy’s

side, how much greater is the difficulty where devotion has to be re-learned, to be begun afresh!"

IMPORTANCE OF CLASSIFICATION.—"An efficient system of classification is not less essential for female penitents. They should not work together in great numbers, and both original rank in life as well as present moral condition should be considered. The truth is, that 'work' has been so necessary to the very existence of these asylums, that they have partaken too much of the character of industrial institutions. We would not under-rate the value of restoring industrial habits; the spirit of indolence is, we are aware, strongly fixed, and cannot easily be driven forth; but in a penitentiary hospital everything should give way to religious advancement. Even although they can do more work in numbers, if the result be that they are to make less growth in godliness, count the cost on either side, and make up your mind whether it will not be the true wisdom to let them be split into lesser companies, and trust to more of external support for recompensing some loss of pounds, shillings and pence."

A GOOD SUGGESTION.—Objection is made, *in toto*, to Ladies' Committees, as administrative bodies. They might usefully interest themselves in ameliorating the condition of their once frail but now penitent sisters, by giving bountifully of their worldly means to penitential hospitals; "in this way the pure, without being soiled by any contact with impurity, may help to rescue the unhappy." Those who have been placed above temptation will help to lift up those who have fallen. Practical assistance and kindness may also be rendered to those who have left a good, trust-worthy asylum, with good testimonials, by taking them into service. But these hints are introductory to what we have termed "a good suggestion." It runs thus:

"While we speak of alms, we need not hesitate to suggest the duty of continual almsgiving in this cause to those of our own sex who in their earlier days, for ever so short a season, gave way to youthful sins. Many such have lived deeply to regret the stains which discoloured their opening years, are now among the best and foremost in all works of good, and are living as altered men with their wives and children happy about them. Not so those with whom they sinned. Some have perished in their sins;* others, with almost broken

* Every reader of the newspapers knows well what a multitude of suicides thin every year the ranks of these unhappiest of all human creatures. Month after month, and week after week, the terrible truth of Hood's verse (and, we may now add, of George Cruikshank's tragic pencil) is realized:—

The bleak wind of March
Made her tremble and shiver;
But not the dark arch,
Or the black flowing river

hearts, are forced to continue their pilgrimage of guilt and woe ; for these we claim, not words alone, nor thoughts, but deeds of pity. Restitution is a part of penitence ; it is at least possible to give year by year penitential contributions to those asylums which are devoted to the reformation of fallen women."

ART. II.—STATISTICS OF CRIME IN FRANCE.

Unable as we are, owing to want of space, and, we may add, also, want of time, to give all the details of the statistics of crime in France, such as we find them in the *Annuaire de l'Economie Politique et de la Statistique* for 1847 and 1848, we must content ourselves with culling some that may be supposed to possess the most interest to our readers.

Proportion of those accused of Capital Offences (crimes infames) to the Entire Population.—During the twenty years, ending in 1845, there had been 147,926, or an annual mean of 7,396 persons accused of criminal offences in France. The proportion of the accused to the people at large, dividing the twenty years into four quinquennial periods, was 1 accused for 4,517 inhabitants from 1826 to 1830 ; 1 for 4,427 from 1831 to 1836 ; 1 for 4,297 from 1836 to 1840 ; and 1 for 4,901 from 1841 to 1845. It will be seen, that the proportion of crime was less in the first and fourth, than in the second and third of these quinquennial periods. Some fallacy in the estimates must be expected, from the fact, that those in the last period are based on the census of 1841.

The proportion of crime in the different departments into

Mad from life's history—
 Glad to death's mystery
 Swift to be hurled—
 Anywhere—anywhere
 Out of the world !
 In she plunged boldly ;
 No matter how coldly
 The rough river ran—
 Over the brink of it,
 Picture it—think of it,
 Dissolute man !
 Lave in it, drink of it,
 Then, if you can.

Hood's Poems.

which France is divided, does not tally exactly with these estimates, nor is it the same exactly in any two departments. Under very different states of society and degrees of civilization, Corsica and the department of the Seine, in which is the city of Paris, resemble each other in the great number of their crimes; but there is a difference in the character of these latter. Thus, while in the department of the Seine, out of 100 brought before the courts of assize, 89 were accused of attempts against property; in Corsica, out of 100 accused, there were 84 prosecuted for attempts against the person. In the former there were but 11 per cent. accused of attempts against the person, and in the latter, 16 against property. A similar contrast prevails between the northern and southern departments, the former being represented by Paris, the latter by Corsica. The crimes included under the general head of attempts on the person by violence, are represented to be rather on the increase in Corsica. During the entire period mentioned, there has been in all France an increase of crimes directed against the person, and a diminution of those directed against property. Of the former, the most noticeable increase of late years, is of rape, committed both on adults and on those under puberty.

Sex.—The proportion of females committed for crime, varies from 16 to 20 per cent. In Corsica, in 1845, it was only 2 per cent.; while in the department of Nièvre it was as high as 35 per cent. In 1844 there were 19 per cent. of females accused of crimes against property, and 17 per cent. of those accused of crimes against the person. Of 341 women accused of these last, 140 were prosecuted for infanticide, 52 for abortion, 11 for concealment of child-birth. Of the crimes committed indiscriminately by men and women, poisoning and arson are those of which the latter are most frequently guilty. The mean proportion of those guilty of the crimes of poisoning and arson, to those of all kinds of crime, is 18 in 100; whereas, the proportion of females guilty of arson, is 24 to 30 in a hundred.

Age.—Until a census of the entire population is taken, so as to exhibit the different ages, a division of the number of criminals, according to their age, will have quite a secondary

value. So far, criminal statistics show that the distribution of those accused of criminal offences is, from year to year, very uniform. Thus, for example, in 1844 as it was in 1843, of 1,000 accused, 171 had not reached their twenty-first year; 229 in 1844, and 217 in 1843, were from twenty-one to thirty years of age; 246 in 1844, and 258 in 1843, were from thirty to forty years of age; 162 from forty to fifty years, both in 1844 and in 1843; 62 in 1844 and 60 in 1843, were from fifty to sixty years; and finally, 39 in 1,000, in 1844, and 32 in 1843, had passed their sixtieth year.

The criminals for offences against property, and those for violence against persons, are nearly equal, from the twenty-first to the fiftieth year; but it is different in the two extreme periods of life. The criminals under twenty-one years of age, who furnish only a proportion of 125 in 1,000 for crimes against the person, yield 190 for those against property; while the criminals more than fifty years old, exhibit 126 in 1,000 for crimes against the person, and only 92 of those against property. We may remark, by the way, that these results are not such as would be generally anticipated, taking into view the rash and passionate resolves of the young, and the caution and love of property and tendencies to avarice among the aged.

The number of the accused for 1844 was 74 only; or 1 in 100 of the entire list of criminals. But it ought to be mentioned, at the same time, that 348 minors were brought before the correctional tribunals; they being exempt, on the score of their age, by article 68 of the penal code, from capital punishment, forced labor and deportation. Of these 348, 293 were prosecuted for robbery and abuse of trust towards their employers, and 31 for attempts against chastity, chiefly on persons of tender age.

Marriage and Celibacy.—The proportion of single and unmarried persons, who are accused of crimes in France in 1845, is about 56 per cent. of the whole number of criminals; that of married persons is 39, and of widows and widowers 5 per cent. The proportion of these three classes to the entire population, according to the census of 1841, was nearly the same as the above, viz., for every 100 inhabitants, 55 to 56 single persons, 37 to 38 married, and 6 to 7 widows and

widowers. It is recorded, that 432 out of 6,685, accused in 1845, or more than 6 per cent., had been living in a state of concubinage, or were otherwise noted for their immorality. Of this number 255 were females.

Town and Country.—Of the 6,048 accused in 1845, who had a domicile, 3,939 or 61 per cent. lived in the rural districts, and 2,469 or 39 per cent. in urban districts. It would seem, from the census, that the inhabitants of the country constitute three-fourths, and those of the towns one-fourth of the entire population. In such a case, it follows, that the towns furnish a larger proportion of criminals than the country. The difference in the returns has been attributed to a more complete system of judicial police in the city than in the country; but this explanation is scarcely satisfactory. On the other hand, it would seem, as if the smaller number were fully compensated for, by the deeper hue and atrocity of the crimes in rural districts. The crimes against person are 73 per cent. in those places. Of 100 persons committed for parricide, arson and rebellion, 88 dwelt in the country. There, likewise, the records exhibit 86 in 100 of those accused of infanticide and poisoning; of 28 in 100 of accusations of perjury; of 89 in 100 of murder; of 77 in 100 of violence towards public functionaries; and, finally, of 74 in 100 of accusations of rape on adults.

Callings and Professions.—2036 of the accused, or 30 per cent., had lived on their income or business; 3,712, or 56 per cent., were day laborers; 937, or 14 per cent., had led a life of idleness, without fixed or regular resources; near two-fifths, or 2,477, were engaged in rural labor; 1,473 were workers in wood, in metals, in cotton, wool, thread, &c.; 236 were butchers, bakers and cabinet-makers; 412 were tailors, wig-makers, and hatters; 517 were jobbers and clerks; 295 were coachmen, mariners, porters; 135 were keepers of taverns, or of lodging-houses; 493 were house-servants; 367 were members of the liberal professions; 280 were not referable to any class.

The number of the accused entirely uneducated or illiterate, is diminishing from year to year. As regards the influence of education in preventing crime, some of the preceding

figures do not foster the affirmative view of the question. The actual numbers of house-servants on the one hand, and of the members of the liberal professions on the other, in France, are not given; but, according to any estimate that may be made, the number of the former class will greatly exceed that of the latter, and in a proportion far beyond that of the criminals.

Season.—Crimes are more frequently committed in summer than in winter. In the former season, those against the person predominate; in the latter, those against property.

Results of Accusations.—It must be borne in mind, that the statistics hitherto placed before our readers, are not of proved or actual, but of imputed crime. The numbers proved to be really guilty, and who were subject to punishment, is much smaller. Of 5,379 cases of accusation for criminal offences, brought before the juries in 1844, 1,402, or 26 per cent., were at once rejected. 2,870, were fully received, of which 2,555, or 47 per cent., were true bills against all the accused; 315, or 6 per cent., against some only of the parties accused in each affair; finally, 1,107 accusations were received with modifications, which gave to the facts a criminal character in 484, or 9 per cent.; and in the substitution in 623 cases, or 12 per cent. of simple misdemeanor.

Nearly similar are the results of the action of the juries and the courts in 1843. In this year, 26 per cent. of the accusations, were thrown out; but there were only 46 per cent. of the entire number admitted to be valid against all the accused.

In order to understand the following returns, which at first puzzled us, and seemed to be in contradiction to the previous statements which we have just now placed before our readers, we must apprise them, that an accusation often involves more than one person; the proportion of the former to the latter being as 100 to 134. The above number of cases of accusation, amounting to 5,379, implicated 7,195 persons. Of those who constitute the accused, the courts acquitted 2,290, and condemned 4,871, after verdicts of a jury. There were, also, 34 adolescents, or persons under sixteen years of age, who, as being supposed to have acted without knowledge of consequences, were acquitted. Of these, 5 were sent to their families.

by whom they were reclaimed; and 29 to houses of correctional education, in order to be brought up in those establishments.

Of the 4,871 declared to be guilty by jury verdicts, 2,823 had the benefit of extenuating circumstances, and were condemned to imprisonment in houses of correction; of whom 2,296 were sent for more than a year; 521 for a year, and less than a year; and 827 were placed in separate confinement, (*reclusion*;) 961 were condemned to forced labor during a limited period; 209 to the same, during their lives; and 51 were condemned to death. Of those condemned to imprisonment, 299 were for one year; 718 for two years; 546 for three years; 259 for four years; 457 for five years; and 17 from six to ten years.

The Accused before the Correctional Courts.—Offences below the grade of capital, are tried by the correctional courts. The cases before them in 1845, amounted to 152,293, in which 197,913 persons were implicated. Of those, 89,535 were adjudged at the instance of the law-officers of the crown; 11,497, by civil suit; and the others were brought up by the different administrative bodies for infraction of fiscal and forest laws, &c.. Of the 197,913 accused persons, 82 per cent. were males, and 18 per cent. females, a proportion almost identical with that found to prevail in criminations of a capital character. The acquittals amounted to rather more than a tenth, or 21 per cent. of the accused=596. 1,921 were under sixteen years of age, and were either sent to their families, or placed in penitentiary establishments. Those condemned were in number, 174,396, of whom 6,814 were punished by imprisonment for more than a year; 44,779, for less than a year; 122,798, by damages; 5 to take down buildings erected too near to forests; and 33,000 had the benefit of extenuating circumstances. The duration of imprisonment was as follows: 43 were condemned for 10 years; 260 for less than 10 and more than 5 years; 632 for 5 years; 916 for less than 5 and more than 2 years; 4,002 for more than a year.

Second Convictions and Liberated Convicts.—Of the 6,685 persons accused before the courts of assize in 1845, 1,690 were former convicts, who had gone through the several kinds

and periods of punishment, viz., 154 in forced labor; 80 in seclusion or separate confinement; 608 in more than a year's imprisonment; 833 in less than a year. The proportion of second cases was 28 per cent. for the men accused, and 12 per cent. for the women. This proportion is the same in 1845 as it was in 1844, 1843, and 1842.

Of the 197,913 persons adjudged by the correctional courts, 15,361 were cases of liberated and lapsed convicts, of whom 574 had been condemned to separate confinement, and 740 to forced labor. The acquittals by the different tribunals of these lapsed convicts was 764, or but 5 per cent.

During the twelve years that have elapsed between 1830 and 1841, 7,704 convicts have been discharged from the galleys at Brest, Rochefort, and Toulon. More than a fourth of this number, or 2,053, have been prosecuted before the courts and condemned anew, after a period averaging five years, from the expiration of their first sentence. The number of lapsed convicts of this class is regularly increasing from year to year.

In the same space of time, there have issued from the central houses of correction, 51,716 men; of whom 16,098, or 32 per cent., were condemned for the second time. The number of women whose term expired in the central houses of correction from 1830 to 1841, was 14,936; and 3,437, or 23 per cent., were condemned for fresh offences. Three-fifths of the lapsed convicts were after a first punishment; of the other two-thirds, some had been condemned and punished twice, others three times, others, again, four, five, six, and even more times. Of 100 liberated convicts, condemned anew for fresh crimes, there were 72 for a simple or aggravated theft, 19 for breaking prison, and 9 for vagrancy, mendicity and other misdemeanors.

The number of lapsed female convicts is small, being only 7 per cent.

The annual average, for a period of 10 years, from 1830 to 1840, of the persons who left the central houses of correction, was 5,845. The proportion of lapsed convicts from the galleys and from the houses of correction and other prisons, was nearly the same for a period of four years, ending in 1840.

Anterior to this, the proportion of those from the galleys was less than from the prisons.

Convicts liberated from the galleys, as well as those from the prisons, receive a small sum (pecule) which varies according to the knowledge of a trade or calling, by the parties, and by the duration of their punishment. This grant is small for those who have left the galleys, but often of some amount for the other convicts. Of the 60,334 liberated prisoners from 1830 to 1840, 2,587 received from 200 fr. to 1000 fr., (40 to 200 dollars,) and more. It has been observed, that they who received a large sum in this way, lapsed into fresh crimes in greater numbers than they to whom a very small pittance was given.

The larger number of second commissions of crime by liberated convicts occurs soon after their liberation. Three-fourths of the lapsed cases occur before the termination of the second year of their liberty. A cogent appeal, this, in favor of procuring for the liberated convict regular employment, where he will not be immediately exposed to evil associations, until good habits are established and strengthened by time.

ART. III.—CAUSES PREDISPOSING TO CRIME.

No scheme of penal, or even social reform, can be of any avail, unless it rest on a knowledge of the causes of the evils which it intends to remove, and of the obstructions in the way of the good which it desires to strengthen. Prevention of crimes, the truest philosophy and the soundest benevolence in practice, can only be attempted with success after appreciation of causes. Some of these are predisposing, but fixed, and some are only susceptible of modification. Others are direct and immediate, but often entirely removable or capable of being withheld. Under the first head will come the causes depending on age, sex, climate and season. Under the latter, the incitement of evil company and example, and frequent temptation. But there are, also, removable predisposing causes, such as ignorance, destitution, deterioration of the health, and con-

sequent apathy, or want of mental energy; also temporary perversions of the moral faculties.

Among the statisticians who have examined the subject of the causation of crime with the greatest care, and with endeavor to make it rest on the basis of actual observation and numerical analysis, M. Quetelet, of Brussels, is deservedly eminent. We have not room for the whole chapter on the *Development of the Propensity to Crime*; but in its stead give the summary of it in the "conclusions" as laid down by the author himself, in his work, entitled, *Sur l'Homme et Le Developpement de ses Facultés, où Essai de Physique Sociale*. His intention is explained in the opening paragraph of the chapter, as follows: "Supposing men to be placed in the like circumstances, I call *propensity to crime*, the greater or less probability of committing a crime. My object is to inquire especially into the influence which the seasons, climate, sex and age exert on this propensity."

CONCLUSIONS.

In summing up the principal observations contained in this chapter, we have been led to the following conclusions;

1st. Age is, beyond doubt, the cause which acts with the greatest energy in developing or destroying the propensity to crime.

2d. This deplorable propensity appears to develop itself in proportion to the intensity of the physical strength and passions of the individual; it reaches its maximum about the age of 25 years, a period at which the physical development is almost completed. The intellectual and moral development, which takes place more slowly, abates the propensity to crime; this, later in life, is decreased still more, on account of the diminution of physical strength and of the passions.

3d. Although it be about the age of 25 years that the greatest number of crimes of different kinds are committed, yet this maximum is found either advanced or retarded, by some years, for particular crimes, according to the slower or speedier development of some qualities, which bear a relation to these crimes. Thus, man urged on by the violence of his passions, gives himself up first to rape, and attempts against chastity;

he enters almost at the same time upon his career of robbery, which he seems to follow, as if instinctively, until the last period of his life. The development of his strength leads him on, next, to every act of violence ; such as homicide, rebellion, and highway robberies ; after a while, reflection turns his thoughts from homicide into assassination and poisoning. Finally, man advancing through his career of crime, substitutes, more and more, cunning for strength, and he becomes more frequently a forger at this period of life than at any other.

4th. Difference of sex, has also a great influence on the propensity to crime ; it is estimated, that, in general, for one woman accused before the tribunals, there are four men similarly arraigned.

5th. The propensity to crime increases and decreases in very nearly the same ratio in the two sexes ; but the time of the maximum of crime is reached a little more slowly among women, in its occurring at about the age of 30 years.

6th. Woman without doubt, through the feeling of her weakness, commits more crimes against property than against the person ; and where she seeks to destroy a fellow creature, she employs, in preference, poison. Nevertheless, in giving herself up to homicide, it does not appear that she would be deterred by the enormity of the crimes, which, as regards their frequency present themselves in the following order : infanticide, abortion,* parricide, homicide, wounds, blows, and murder ; so that we may say that the number of the guilty diminishes, rather because she must go farther and more openly to seek her victims. These differences, are owing undoubtedly to the habits and more sedentary life of the female ; she can only conceive and excite guilty plans against individuals to whom she is the most nearly related.

7th. The seasons exercise, in their succession, a very marked influence upon the propensity to crime ; thus it happens, that, during the summer, the most crimes are committed against persons, and the fewest against property : the contrary takes place during winter.

* We have no doubt, that the crime which is here placed second, is really far more frequent than the first, notwithstanding the fact that its perpetration *invariably* endangers the life of at least one of the criminals —Eus.

8th. It is worthy of remark, that age and the seasons, exert almost the same influence on the increase and diminution of the number of cases of insanity, as of the number of crimes against persons.

9th. The influence of climate, appears especially to operate upon the propensity to crime against persons. This observation is confirmed, at least, in those races of men who inhabit southern climates, such as the pelagic race, spread over the Mediterranean declivity and Corsica on one side, and the Italian mixed up with the Dalmatians and Tyrolese, on the other. We also observe, that rigorous climates, which give birth to more wants, give birth also to the most crimes against property.

10th. In the countries in which frequent gatherings of the people occur—those in which industry and commerce bring together many persons and things, and present the most activity—those, finally, in which the inequality of fortunes is most felt, give rise, (all other things being equal,) to the greatest number of crimes.

11th. The professions have a great influence on the nature of crimes. Members of the liberal professions commit more crimes against persons; and the working class and domestics, more crimes against property. Habits of dependence, a sedentary life, coupled with physical weakness, produce the same results (as the latter) among females.

12th. Education is far from exercising as energetic an influence upon the propensity to crime, as one would suppose. We confound, besides, too often, moral education with the education which consists only in reading and writing, and which becomes, more frequently, a new instrument of crime.

13th. It is the same case with *poverty*: many of the departments of France, considered the most poor, are, at the same time, the most moral. Man is not urged on to crime generally, because he is possessed of little, but, more generally, because he passes suddenly from a life of ease, to a life of misery, and to an inability to satisfy all his factitious wants.

14th. As we ascend in the ranks of society, and consequently, in the degrees of education, the fewer do we find of the guilty among women compared to men; but in going back to the lowest classes of the people, the habits of the two sexes have a tendency to resemble one another more and more.

15th. Out of 1129 murders which were committed in France in 4 years, 446 were in consequence of quarrels and disputes at taverns ; which shows the deplorable influence occasioned by the use of intoxicating liquors.

16th. In France, as well as in the Netherlands, (*Pays-Bas*), there has been reckoned annually, one person arraigned out of about 4300 inhabitants ; but in the first mentioned country, 39 out of every 100 accused persons, were acquitted, and in the second, only 15 in the same number ; notwithstanding that, in both countries, the same code of laws was used ; but in the Netherlands, the judges fulfilled the functions of the jury. Before the correctional tribunals, and the simple police, where the accused had only to deal with the judges, the repression has been almost the same in the two kingdoms.

17th. In France, the crimes against persons formed about one-third of the number against property, and in the Netherlands, only one-fourth.

It is worthy of remark, that we find fewer condemnations for the first class of crimes, than for the second ; perhaps because there is so much reluctance to apply the punishments, on account of their severity. I cannot conclude this chapter, without expressing anew, my astonishment at the sameness which we observe in the results that are presented each year, in the documents connected with the administration of justice.

“ Thus,” as I have had occasion to remark, many times already, “ we pass from one year to another, with the sad prospect of seeing the same crimes reproduced, in the same order, and receiving the same punishments in the same proportions.” All these observations tend equally to confirm the truth of this proposition, which I enunciated a long time since, that whatever relates to the *human species, considered as a mass, is in accordance with physical facts* ; the greater the number of individuals, the more the individual will is effaced, and allows the series of general actions to predominate, which depend on causes through which society exists and is preserved. These are the causes which we are desirous of appreciating, and as soon as we know them, we can determine their effects upon society, just as we determine effects by

causes in the physical sciences.* We must indeed, admit, melancholy as at first sight this truth may appear, that in submitting to regular experiment material bodies and the social system, we cannot say on which side the causes produce their effects with the greatest regularity.

I am far from concluding from this, however, that man can do nothing for his amelioration: I believe, as I have declared in the beginning of this work, that he possesses moral strength sufficient to modify the laws which concern him; but this force acts only in the most gradual manner, so that the causes which have an influence on the social system, cannot undergo any sudden alteration. Just as they have operated during a series of years, just so will they operate during the years which are to come, unless we shall succeed in modifying them. Moreover, I cannot too often repeat to all those men, who have at heart the well-being and honor of their fellow-creatures, and who would blush to put upon the same line of valuation, a few francs more or less, paid into the treasury, and a few heads, more or less, cut off by the axe of the executioner; that there is a budget which we pay with fearful regularity: it is that of the prisons, of the galleys, and the scaffolds; it is this above all, the one which we ought to endeavor to reduce.

ART. IV.—ALLEVIATION OF THE MISERIES OF PUBLIC PRISONS.

Report of the "Acting Committee" of the Philadelphia Society for Alleviating the Miseries of Public Prisons. Jan. 1849.

As our narrow limits will not allow of the insertion of the whole of this report, which was read at the last annual meeting of the Society by the first vice-president, Townsend Sharpless, we present tolerably copious extracts, with a connected summary of the intermediate matter, so as to give our readers a good idea of the spirit and scope.

The report opens with a retrospective notice of the origin of the Society, which dates from the year 1787; and of the lamentable condition of prisons at that time, growing out of

* A note is omitted, in which the author quotes from M. Guerry's *Essai sur la Statistique Morales* similar results.—Ene.

the congregation of the inmates, of all ages and in all the stages of crime. Reference is made to the benefits which have resulted, both in this country and in Europe, from the labors of the Society. The genial influence of the separation of prisoners, one from the other, "the first and important step towards reformation," is pointed out, and contrasted with the evils from congregation of prisoners. Among these evils, are loss of self-respect from exposure to the public gaze, and the difficulty of quietly following an honest calling after the expiration of the sentence, owing to recognition by former fellow-convicts.

"County Prisons on the Separate Plan.—In the State of Pennsylvania, there are four County Prisons on the plan of separation; viz., at Philadelphia, West Chester, Harrisburg and Reading. The first three have been in operation for several years; that at Reading, just finished, embraces all the recent improvements in structure; and, in addition, has an ingenious contrivance in the flues, to arrest the transmission of sound; and thus prevent the prisoners using them as a means of communicating with each other. The commissioners have it in prospect, to erect one similar, to accommodate 100 prisoners. The architect employed to prepare a plan, is our talented and experienced fellow citizen, John Haviland.

"There being a prospect of Delaware county removing its seat of justice, it will also need a new prison, which, when built, we presume will be of similar construction."

Reference is made to the desire repeatedly expressed by the Board of Visitors in charge of untried prisoners in Baltimore, for "the adoption of the plan in use in this city," in the erection of a new prison.

"Condition of County Prisons.—Most of the prisons throughout our State, having been long built, admit of no suitable separation of the prisoners; many of them are in disreputable condition, and ought to be improved; and whenever suitable openings have presented for promoting this object, the labor of our members has not been withheld; and correspondence has been had with those, both in this country and in Europe, whose position enabled them to exert a favorable influence, in promoting correct views of prison construction and prison discipline.

"The attention of the legislature was sometime since directed to the importance of detailed annual statements being required, of the condition of the prisons and of the state of crime throughout this commonwealth; the committee charged with this duty attended at Harrisburg, and succeeded in ob-

taining a law to that effect. The form of queries to be answered, was prepared with considerable care, and will doubtless in time, elicit much valuable information."

The courtesy due to strangers has been cheerfully extended by members of the Society, so as to facilitate the access of the former to our prisons.

The Convention on Prison Discipline, held in Philadelphia during the past summer, was respectably attended, but was not productive of notable results. Some valuable documents were read. In the reformation of the offender, all good men have the same great object in view, and each may incite his neighbor by his example,—while all look with admiration to such characters as John Howard and Elizabeth Fry. The great exemplar of all can never be absent from our minds.

A complimentary tribute of respect is paid by the committee to the memory of Paul W. Newhall, one of the members who died during the past year; "whose purity, benevolence, and disinterestedness, justly gained him the regard of his fellow citizens."

"Visiting Committee.—In attending to the duties pertaining to this Society, our members who have been engaged in visiting the prisons, have had occasion to feel, that here, there was an ample field for service. And however sensible they may have been of their deficiencies for such a task, yet they entertained the hope, that by persevering in what might appear to be the path of duty, their efforts might not only be blest to themselves and to the prisoner, but be the means of inducing more competent laborers to enlist in this righteous cause: so that by united effort, the attention of the benevolent, both here and elsewhere, might be more fully turned to a class of the human family, whose well being and improvement, has been greatly neglected; who are yet entitled to such consideration as the dictates of humanity and the principles of religion enjoin."

Passages are quoted from the Preamble to the Articles of Association, to show that these were the feelings entertained by the persons who originated the Society. Passing over some other topics for the moment, we continue the remarks of the committee on the subject of

"Visiting.—When the Society was first organized, and for many years afterwards, the prisoners being congregated, a less amount of service devolved upon those in charge of visiting; but, in the present isolation of the inmate, while his capability

for improvement is thus promoted, the labor of the visitor is much increased: hence a duty, that formerly could be performed by a few, now requires a larger number; and as each cell is comparatively a prison, each prisoner must be visited separately. This requires time; and although a portion of the committee spends an afternoon there once a week, yet each member having from forty to sixty-five inmates under care, he is prevented from making to each one of them as frequent visits as is required. It being desirable in the estimation of the committee, that every prisoner should be seen weekly, or at furthest once in two weeks. To accomplish this in a proper manner, more than thirty cannot be attended to by any one member, without imposing upon him an onerous duty; as most of the visitors are men with families, and are engaged in active business. The enlargement of the visiting committee has been for some time under consideration."

"Objects and Advantages of Visiting.—The adoption of the separate system in Pennsylvania, was an era in prison discipline. By the separation of the inmates, an opportunity is afforded for private labor beyond that of any other mode. 'If thy brother shall trespass against thee, go and tell him his fault, between thee and him alone: if he shall hear thee, thou hast gained thy brother.' It thus affords to the benevolent citizen an opportunity of engaging in a work, certainly not among the least, of his Christian duties; and when thus employed, he occupies an important and interesting position. The officers of the prison stand in a different relation, and from the nature of their duties, or from peculiarity of disposition, may not always exert the most favorable influence upon the prisoner: but a body of discreet and experienced men, accustomed to the work, constitutes a link connecting the prisoner with the community against which he has offended, and from which he is thus separated; extending toward him, in its behalf, the words of sympathy and encouragement; and exerting an influence not to be mistaken. Their presence and counsel could not fail to promote a proper regard for his duties, and for the good order of the institution: and while the hands of the officers would be thus strengthened, they would also be encouraged in the faithful performance of *their* obligations.

"During the past year, about twelve of our members have been visiting at the two prisons; many of whom have been there weekly, unless prevented by unavoidable circumstances: and from the prisoners they have generally received a warm and cordial welcome."

"Intemperance a great Cause of Crime.—In our interviews with the prisoners, and in learning from them their previous course of life, we have often deeply to regret the continuance

of an evil in our community, which is the prolific and unfailing source of crime; and to lament, in this day of moral enlightenment, that the incentives to intemperance so freely abound.

"It seems an anomaly, that one who is designed to be a conservator of public morals, and deputed by the State to that high office, shall yet be required by law, on one day to grant licenses, to distribute poison among the weak and improvident of its citizens, and on the next, to sit in judgment upon, and consign to suffering, and sometimes to death, those who have committed acts while under the exciting and stultifying influence of this poison.

"A large proportion of offences are induced, either directly or remotely, by this powerful incentive to debauchery and crime. How long the legislature will continue to sanction this evil is beyond the knowledge of man; but, it is hoped, in the ordering of an All Wise Providence, that its removal may be hastened; that those, who, through thoughtlessness and the present facilities, are now led to its indulgence, may be less exposed to the temptation, and thus preserved from a host of ills which inevitably follow in its train.

"Could we but trace, step by step, the progress of this desolating demon, and closely observe the gradual wreck of early and of later manhood; and could we witness the accumulating sorrows of their friends and of their fire-sides, how would we shudder at the fearful responsibility of our position.

"In these remarks we desire to be understood, not as reflecting upon those in authority, for they are thus constrained by judicial duty, (and in whose hands could it be more safely entrusted;) but, to exhibit its incongruity, and to raise our voice against the legalized continuance of this fruitful source of crime; and to show, that whatever advantage the community may derive from it as a revenue, it is vastly overbalanced by the disadvantages consequent upon its continuance, to say nothing of expenses of courts and juries, in investigating such offences, or of costly prisons and their necessary arrangements in endeavoring to provide a remedy.

"Many of the prisoners, in accounting for their ruin, have also referred to the frequenting of theatres as the first step in their downward course."

The Obligations of the Community to aid in the arrest of evils, growing out of its own defective organization, are urged.

Reference is made to the happy effects resulting from an improved method of treating the insane; and an inference is drawn in consequence, that equally beneficial results will ensue from a similarly humane and judicious treatment of those who are *morally diseased*.

The Duties and Qualifications of Officers are described, and a properly elevated standard, based on Christian feelings, is laid down. Vindictiveness, even in appearance, is especially deprecated.

Appropriate remarks are made on the benefits of the system of separation, and on the claims of the prisoners on our sympathy.

PRISONERS.

“Remarks of Prisoners.—The subdued and orderly deportment of the prisoners generally, awakens a feeling of sympathy; and no one can visit them frequently, without becoming much interested in their behalf. Some of them have made a declaration to this effect:—‘When I came to this place, I felt as if every man’s hand was against me, and I determined to do my worst. But the kindness I met with made me ashamed of this feeling, and I at once changed my course. I am now thankful it was my lot to come here.’

“It is not uncommon for them to say, ‘The improvement I have made while in this place, compensates me for all the inconveniences I have suffered. My future life will show, that good treatment has not been lost upon me.’ Many others have said; ‘I now see the folly of my past conduct, and will hereafter pursue another course;’ while it is very usual to hear them say, ‘When I first came, I was much alarmed and distressed, but I am well treated, and am now quite comfortable.’

“The following is an extract from an essay, written by an inmate, in which he speaks of the visit of an officer of one of the congregate prisons, who was making an examination of the Eastern Penitentiary. Inquiry had been made as to his health, and the effect of solitude upon his mind.

“‘I told him my health had been tolerably good; I believed quite as good as it would have been in any other prison. I found it bear on the mind pretty severe at times; but, that I had always found relief in a close application to work and in reading. That I found it particularly favorable to serious reflection; that I had, perhaps, thought and read more, since I had been in this house, than I had during the whole course of my life; that I believed separate confinement, together with the kind treatment I had received from the officers of the institution, had made quite as deep and lasting, and a much more favorable, impression, than the severest punishment would have done; that the man had been appealed to instead of the brute, and I felt the beneficial effects of it.’”

Improvement of Prisoners.—Under this head, cases are adduced of a satisfactory amendment, in an improved moral

tone and conduct, and the acquisition of useful knowledge during imprisonment. Aptness for learning is manifested by the prisoners, many of whom "are enabled, with but very little attention on the part of the teacher, to read, write and cipher, who were incapable of either when admitted; and very few leave the prison without a fair knowledge of the elementary branches; and the privilege of devoting their hours to mental improvements, operates as an incentive to good conduct and industry."

Teacher.—The teacher at the Eastern Penitentiary has frequently eighty or ninety under his care, and is zealously devoted to the instruction of those who need his assistance: and the grateful feeling manifested toward him on the part of his pupils, is some evidence of his success. The like care is exercised at the County Prison, by the moral instructor, whose fatherly kindness to the inmates will not be readily forgotten.

Cells.—The cells at the penitentiary are of comfortable size, being twelve to fifteen feet long by about eight feet wide, and supplied with reasonable conveniences. Each prisoner is furnished with a Bible, and a Prayer-book, if he desires it; and, once in two weeks, he receives a book from a library, of which there are two; one belonging to the Prison Society, and the other called the Bacon Library, founded by an inspector; together, consisting of over seventeen hundred volumes.* In addition to which, each prisoner has a slate; and many of them are allowed pen and ink; and a considerable number are furnished with an atlas and a dictionary.

Yards and Gardens.—Their exercising yards are somewhat longer than their rooms; and, although not large, afford the means of some enjoyment, and even of refinement, as many of them cultivate a little garden, and raise both flowers and fruits. One of the prisoners, during the past year, gathered from his vine one hundred and fifty bunches of grapes; and the same season, raised more than a hundred cucumbers. A number of them have peach-trees in their yards, grown from the seed; and in one instance, a premium was awarded by the Horticultural Society of our city, for peaches raised by an inmate. One of them, who had an abundant crop of that fruit, sent them round among his fellow-prisoners, reserving but two or three for his own use; remarking, that it afforded him more pleasure to know that they were enjoying them, than to have eaten them all himself.

* There is also a good library at the County Prison, belonging to the Prison Society.

"Food.—The prisoners are furnished with a sufficiency of wholesome food, and generally appear pleased with the conduct of their overseers; and not a few have expressed their gratitude for having received so much better treatment than they expected or deserved. For the first few months, their confinement is generally irksome; after that, they become more reconciled, and are often comparatively happy.

"Bathing.—Each one has generally a comfortable bath weekly, during the summer, and at other times, when convenient; and every cell being supplied with a hydrant, the prisoner can cleanse his person at pleasure.

"How often Visited.—They are seen several times a day by their keepers; and at regular periods visited by the warden. The physician, moral instructor, and school-master, are usually on duty; and clergymen call upon them occasionally. The inspectors visit the prison twice a week, and our committee attend there with reasonable regularity.

"First day of the Week.—On the first day of the week, clergymen, or other religious persons, are generally in attendance, some of whom address the prisoners; in the absence of the former, the warden usually reads from the Bible or other suitable book; or he addresses them on subjects pertinent to their condition. On such occasions, the doors are partially opened, so as to admit the sound, but exclude the inmates from the view of each other. And although from the construction and length of the corridors, the reverberation is considerable, yet with deliberate and proper enunciation, every word of the speaker, may be distinctly heard. To those unaccustomed to this, it might seem, as though their audience was only the bare walls; but a visit afterward among the prisoners will satisfy them, that their labor has been bestowed upon thirsty and grateful hearts."

County Prison.—The general arrangements in this institution are similar to those of the Eastern Penitentiary; but, owing to the construction of the building, prisoners are not as well accommodated, nor, (it might have been added,) is the system of separation fully carried out. The necessity of an increase to the number of the visiting committee is mentioned.

"Women's Committee.—The 'Association of Women Friends,' which has been in existence for a long time, continues its useful labors among the female prisoners. They visit the penitentiary every week, and the County Prison once in two weeks. In their report they inform us, that during the past year, a number of those under their care have been taught to read and write; and they also remark, 'In each of these institutions, we

have ever been gratefully received, even by the most depraved, and in no instance have we been induced to suppose, that hardened as the human heart may be by sin, it is callous to the voice of kindness. Very numerous have been the acknowledgments made by these poor outcasts, for the lenience which they have met with whilst in prison, and some have been led to trace the hand of Providence in thus bringing them to a secluded home; where, apart from evil influence, they might seek repentance, and obtain the forgiveness of Him, who alone can open the blind eye, and unstop the deaf ear.' They also state, that they (the recently liberated) 'suffer much for want of a temporary refuge; where, for a short season, the resolutions of the wavering might be more fully tested,' before introducing them into respectable situations. The prisoners at the penitentiary, have also been visited by other persons of both sexes, who have manifested much interest in their welfare.

"Discharged Prisoners.—In relation to those discharged from the penitentiary, such assistance has been rendered by means of the Warden, from the State appropriation and the funds of the Society, as would prevent immediate suffering; and aid has been afforded to convicts discharged from the county prison; but if more ample funds were at our disposal, they could often be used to great advantage. For, as with the sick, although disease may be removed, skilful care is often needed to prevent a relapse."

The benefits to be derived from an agent to attend to the wants of the liberated prisoners, to advise them what to do, to plead their cause, and obtain them situations with the humane, are pointed out. Many instances are known of this class of persons having become faithful and useful assistants.

It is suggested that the sentences might be awarded for shorter periods than are customary at present, in the prisons whose discipline is conducted on the separate system. "It is believed that *long sentences* are unfavourable both to the mental and physical health."

Under the head of *Protection of the Defenceless*, the report contains a recommendation for procuring the services of "some one to look after the cases, (involving legal pursuit,) of the friendless, and those without means, perhaps under unjust suspicions, or the victims of malignant prosecution."

Suggestions for Improvement of the Separate System.—These are made in reference to defects in the construction of the *drisons*; but without specifying them; also, to an increase in the

kinds of employment, and especially those of the active kind. The impediments to the carrying out of this last suggestion, arise from the difficulty of keeping, at the same time, the prisoners separated.

"Invalids.—At suitable times, those whose health required it, have been allowed to work separately in the large gardens of the prison; and those in the Infirmary, when able, are frequently taken over the grounds by their caretaker.

"The want of a State Asylum for the insane, has entailed upon our Penitentiary an amount of discredit, to which it was not entitled; as, for want of it, many have been sent there, who were known at the time to be insane; and others suspected of it, in whom that disease was developed very soon after their reception. It cannot, however, be denied, that instances of alienation of mind have repeatedly originated there; which is a circumstance not uncommon in all prisons; and we are of opinion, that when the required arrangements are effected, this objection will be mainly, if not entirely removed."

The increase of crime where prisons are on the congregate plan, and the steady reduction of the number of convicts in Pennsylvania, are adduced as encouragement to a perseverance in the separate system. Some farther reflections on prison discipline, and an emphatic expression of "continued confidence in the system in operation in our State," with an invocation to a diligent and patient inquiry into the merits of the subject, close the report.

That there might be no interruption in the statements and suggestions relative to the Pennsylvania prisons and the separate system, we postponed until now the following remarks of the Committee on prison legislation and discipline among some of the other States.

"Improvements in Eastern States.—In some of the eastern States there is an improved feeling towards the prisoner. This, we presume, has been brought about, in part at least, by the influence of prison societies, the judicious labors of which, will gradually produce a more enlightened state of public sentiment. In 1845, the legislature of Massachusetts provided for the appointment of an agent, (who is also the agent of the Boston Prison Society,) to have the oversight of, and assist discharged convicts; and by a more recent law in 1848, authorized him, at his discretion, to furnish them board and clothing, and tools suitable for their employment. They also require, that each prisoner in the Commonwealth shall have a bath once a week,

when proper; that the prisons shall be ventilated in a suitable and efficient manner, and that instruction shall be given in reading and writing, for one hour each evening in the week, at the expense of the proper county.

"In the State of New York, it is enjoined by act of the legislature, that teachers be appointed at each of the three penitentiaries, who are to give instruction, for an hour and a half each evening, in the useful branches of an English education, to such convicts, as in the judgment of the officers, may be suitable; and to note especially, cases of unusual progress in learning. They also make reasonable provision, for the relief of discharged prisoners.

"The whipping of women is prohibited; and no officer is allowed to strike a prisoner, except in self-defence.

"Directions are given for the construction of twenty cells, in their three penitentiaries, in which disorderly prisoners are to be separately confined at hard labor.

"There is, however, one feature, which we greatly regret, viz: that which authorizes 'convicts in county prisons to be employed on high-ways and public works, with the consent of the supervisors of the county;' and that, 'when thus employed, they shall be chained.' The error of this, we have no doubt, will soon be seen and corrected, and more enlightened counsels will prevail."



ART. V.—MODEL LODGING-HOUSES.

There are many natural and obvious alleviations of abject poverty among us to which the old countries of Europe are strangers. The facilities, cheapness of living, and the innumerable avenues to sustenance, if not to competency, which are opened on every side to industry and thrift, prevent the accumulation of such very large masses of the degraded and wretched in our commercial and manufacturing districts as are found in London, Manchester and Liverpool, and in many cities of the continent. We have enough of them, however, to make any inquiries respecting their condition, and any scheme for preventing their increase and suffering interesting to us. We do not mean by this to imply, that we are yet learners in *this school*. Nearly all our chief cities have felt the heavy bur-

den of a degraded and vicious population, and have been driven, by stern necessity, to devise means of relief. Well-contrived and ingenious agencies have been set on foot to furnish employment—to supply food and fuel in the pinching severity of want, and to clothe and school destitute children. Moral and religious influences have also been liberally diffused, and it is not improbable, that some of our most sincere and well-meaning philanthropists forget, in their eagerness to do good to the inner and immortal nature, how much their labors would be facilitated by a judicious ministration to the betterment of the outward man. Air and water are among the free gifts of Heaven, and on their generous supply depends a large share of human health and comfort. Seasonable and refreshing sleep is not more essential to a sound body than to a sound and capable mind; and, food, very coarse and cheap it may be, but wholesome, palatable and at regular intervals, is plainly a necessary of life. Without these, the laboring man's strength fails; his spirits droop; his home is comfortless; his constitution is shattered, and he and his wife and little ones sink rapidly into a state of mere animalism. Wash them clean, clothe them in any thing better than rags, lodge them decently, and give them motives and means to work, and they may be generally brought up again from filth and degradation, and become contributors to the well-being of society.

It is in this view that we have watched with interest the progress of the "Washing and Lodging-house" scheme, adopted in some of the cities of Great Britain, and have been not only gratified but surprised by the reports of their success. We are aware, that local circumstances greatly modify the appropriateness and practicability of any provision of this sort; but there is resemblance enough, in all the phases of want and squalor, to indicate a substantial similarity in the methods of checking and meliorating their victims; and hence, we feel assured, that our readers will not think the following sketch, of a single effort in this direction, out of place upon the pages of our Journal.

The disadvantages endured both by artisans and agricultural laborers, in their domestic position, have long been acknowledged, but hitherto little has been effected for their

alleviation. Social evils of incalculable magnitude and destructive force, are, therefore, originated and sustained in virulent operation. The unmarried mechanic resorts chiefly to the public-house in which to take his meals and spend his time, amidst an atmosphere almost as injurious to his physical condition, as the society is detrimental to his moral character. The reading in which he engages, instead of strengthening his mind, serves but to enervate it; he often becomes envious of those who enjoy superior worldly prospects, and he longs for a change, of whatever kind, presuming it must be for the better. With views thus erroneous, his bosom is the seat of restless and raging passions, and he becomes the easy prey of the factious in his class, or of any demagogue who has the Belial-like power "to make the worse appear the better reason." Many of the lodging-houses to which mechanics repair are the very hot-beds of vice and crime—a reproach on our national character—a disgrace to our common humanity. In some instances, a repugnance may be felt on entering such a dwelling-place, but this is diminished and destroyed by familiarity; and unrestrained by the counsel or example of virtue, it is not surprising, however deplorable, that vast numbers are plunged into the depths of sin, and that not a few forfeit their freedom to the violated laws of their country, or sink, through disease, into an untimely grave.

Nor is the condition of the married population in humble life free from gross evils. Parents, adults, and young children, often herded together in mere hovels, in a fœtid atmosphere, and with little or no regard to the decencies of life. The ale-house holds out an unresisted attraction to the head of the family, and to his sons as they rise into life intoxication is of frequent occurrence, with its inevitable strifes and violence, while the mother seeks comfort in "the glass;" the very means of subsistence are squandered, and gaunt, ghastly figures tenant the hovel, until they are driven forth to beggary or pillage, or perish beneath the pressure of guilt and misery.

Impressed by the enormity of accumulated evils, a large and influential society, comprising no inconsiderable portion of the rank and philanthropy of Britain, has been formed for the "Improvement of the Condition of the Labouring Classes." Its first movements were directed to the arrangement and completion of the 'Model Buildings' near Bagnigge-wells, containing nine small houses, having three rooms each, and fourteen having two rooms each, well supplied with water and every other convenience, besides one large house for thirty-aged females. These being immediately occupied at moderate, yet remunerating rents, regularly and thankfully paid, for the superior and economical accommodation provided, the committee were encouraged to enter on the improvement of lodging-houses for

working men. Three of these were taken in one of the worst neighbourhoods of London—Charles-street, Drury-lane. They were united together, fitted up with clean and respectable beds, and all other appurtenances requisite for the health and comfort of eighty-two working men, at an expense of 1150*l.*, the houses having been taken on a thirty years' lease.

The following may be given as the weekly cost of the establishment ;—

| | £ | s. | d. |
|--|-------|----|----|
| Rates, taxes, coals, gas, insurance, &c. | 1 | 1 | 8½ |
| Wages of superintendent and wife - - - | 1 | 5 | 0 |
| Washing, &c. - - - - - | | 7 | 0 |
| Soap and sundries - - - - - | | 3 | 0 |
| | <hr/> | | |
| | £2 | 16 | 8½ |

The payment for a bed is four-pence a night, but to those who are regular lodgers, no charge is made on the Sabbath evening; in winter a bed is rarely unoccupied, and in summer the number of people averages seventy-five. The plan of thus providing accommodation for the poorer classes has proved so good an investment for money, that it pays a dividend of eight per cent. ; and eight continuous houses have lately been fitted up as a lodging establishment on the Charles-street model by private speculators.

We are glad to find that at Charles-street the Scriptures are read nightly, thus bringing before the minds of all present those great truths which are calculated to counteract the evils of ignorance and depravity, and to exhibit the beauty and blessedness of true religion.

Important as are the advantages thus conferred, it was felt that the arrangements were not so perfect as could be desired, from the state of the building. The committee, therefore, supported by the liberal contributions of the public, purchased a piece of freehold ground in George-street, St. Giles's, surrounded by other lodging-houses, and built on it a 'Model Lodging-house.' Here they appear to have comprised everything essential or valuable in such an establishment: complete ventilation and drainage, an ample supply of water, separation and retirement in the sleeping apartments, and all those conveniences which, whilst conducive to the health and physical comfort of the inmates, tend to increase their self-respect, and elevate them in the scale of moral and intellectual beings. For the site of this building the Commissioners of Woods and Forests were paid 1200*l.*; the expenses of erecting, completing, and furnishing the building, amounted to 5115*l.*; and the number of separate sleeping-rooms or compartments provided is 104. The weekly cost may be thus stated ;—

| | £ | s. | d. |
|--|----|----|-------|
| Rates, taxes, coals, gas, insurance, &c. | - | 2 | 8 11½ |
| Wages of superintendent and wife, | - | 1 | 4 0 |
| Two assistants, - - - - - | - | 16 | 0 |
| Washing, - - - - - | - | 6 | 6 |
| Soap and sundries, - - - - - | - | 5 | 0 |
| | £5 | 0 | 5½ |

The kitchen and water-house are furnished with every convenience; the bath is supplied with hot and cold water, and the pantry-hatch provides a secure, separate, and well-ventilated safe for the food of each inmate. In the pay-office, under the care of the superintendent, is a small and well-selected library for the use of the lodgers. The coffee or common room, thirty-three feet long, twenty-two wide, and nearly eleven high, is paved with white tiles laid on brick arches, and on each side are two rows of elm tables, with seats; at the fire-place is a constant supply of hot water, and above are the rules of the establishment. The dormitories are subdivided with moveable wood partitions, each compartment being shut in by its own doors, and fitted with a bed, chair, and clothes-chest. Good ventilation is especially regarded, and the whole establishment is lighted with gas. The washing closets on each floor are fitted up with slate, having japanned iron basins, and abundantly supplied with water.

Of the 104 beds in this house, which is restricted to single men, an average of ninety-six are occupied during the summer months, and in the winter there is seldom one disengaged. The receipts may be taken at 11*l.* 5*s.* per week, and though the building has been erected on the most liberal scale, a dividend of five or six per cent, will be paid on the outlay. It is gratifying to find that the tenants seem to appreciate the efforts made on their behalf, and the moral results which have accrued inspire the supporters of the system with full confidence in its success wherever it is applied, and its extension in those numerous districts of the metropolis and country, in which the population is both poor and dense, is most important. It is, however, necessary to remember, that building, instead of hiring the model lodging-house, is in all respects preferable when it is looked upon as any thing more than a merely commercial speculation. The efforts of the society are now directed to the establishment of similar institutions on philanthropic principles, but this may be effected on the self-supporting plan, and with remunerative returns for the outlay of capital. The income is at present devoted to paying off the amount borrowed for completing the building in George-street; but that object being attained, it will be appropriated to the general objects of the society.

A very important subject before the society is the establishment of lodging-houses for unmarried laborers, designs for which have been made by the society's honorary architect,

Henry Roberts, Esq. A comfortable, cheap, and healthy abode will thus be provided, free from the degrading scenes so familiar to the inmates of a crowded cottage. The youth who quits the parental roof, from its want of accommodation for a growing family, or from the desire of independence, will find in such a house those comforts which the unmarried laborer rarely enjoys, and to attain which he too often forms an improvident or ruinous connection. Instead of passing his evenings at the beer-shop, he will be led to seek both amusement and instruction in the pages of a select library, placed under the care of the superintendent; or his leisure hours may be pleasantly and profitably employed in an allotment garden, wherever an acre, or an acre and a half of land, can be connected with the building.

The building contemplated provides on the ground-floor two sets of apartments; one intended for the superintendent and his wife, who, it is suggested, should be middle-aged, without family; and as the care of the house will devolve chiefly on the wife, without interfering with the daily employments of the husband, a comfortable abode, rent free, would recommend the situation to a respectable couple. The other set of rooms is for the lodgers, comprising a "living-room," fitted with tables and benches, a kitchen, having a pantry, with separate, secure and well-ventilated safe for the food of each inmate, a fuel store, and other conveniences. The whole of the upper floor is occupied by a dormitory, subdivided by moveable wooden partitions, six feet six inches high, into fourteen compartments, each eight feet six by four feet eight, having its own window, bed, a flap-table under the window, a stool, and a clothes-chest. At each end of 'the corridor' is a washing-closet; the staircase is in the centre. Accommodation is thus provided for fourteen lodgers, of a kind incomparably superior to that which is generally furnished. The rent must, of course, be somewhat dependent on circumstances, but it is well worth two-pence a day, or fourteen pence a week, and it is confidently estimated that the returns thus made will give an amount at least equal to that usually derived from cottages. Arrangements are also made by which, in the event of failure, a division could be made of the building into two distinct dwellings.

The attention of the society is now being especially directed to the construction of a model lodging-house for families; and they rely on the benevolent assistance of the public for the means of its accomplishment. To all who look with proper interest on the advancement of the laboring population—whether manufacturing or agricultural—we cordially recommend the proceedings of this society, whose efforts are calculated in no ordinary degree to elevate this large and most important class of the community in its domestic, social, political, and moral position.

NOTICES.

The present number closes the THIRD VOLUME of our work. We regret the delay which has occurred in the issuing of it, but we trust our readers and friends will regard it, as in some measure a set-off against this disappointment in respect to *time*, that we greatly exceed our obligation in regard to *quantity*; the four numbers of the series now completed, being but a leaf or two short of five numbers of the size promised.

With this volume, according to the original arrangement, the farther connection of the present editor with this work ceases. Other and abler volunteers have been obtained, however, and far better provision than hitherto, has thus been made for its continuance and regular issue. Under the care of the new committee, we trust it may so commend itself to public regard, as to warrant its enlargement and greatly to extend its usefulness.

No. 1.—*Where Rests the Responsibility?*

Society claims protection against those who break its laws, but at the same time, it often fails to prevent the breach, by withholding from the offenders a knowledge of their duties and obligations. This inconsistency, not to say manifest injustice, is well hit off in the following imaginary letter from a lad convicted of picking pockets, who was on the point of leaving England for Botany Bay. It runs, as follows; and, as Mr. Sampeon (Crim. Jurisp.) justly remarks, the truthful satire which it conveys, is worth a hundred essays:

"I was born in Dyot street. I never remember my mother; but my father's companions sometimes spoke of her as one who had been transported for passing bad money: my father used to look gloomy and sorrowful when she was mentioned, and never recovered without a glass of liquor: some people said she died broken-hearted in gaol; but I never heard the truth of it. In our street, he who thieved most cleverly was the most admired, and the only disgrace that could be incurred, was the shame of detection. I sometimes, at the end of it, saw people ride past in fine coaches, and these, I supposed, had robbed still more successfully. I knew nothing, and was taught nothing but to steal; and I practised my art with an industry which I thought most laudable. I have heard of God, of Hell, and the Devil; and they once told me, when the bell tolled at St. Giles's, that people went there to pray that they might go to heaven; but I saw nobody who seemed to believe this, and I thought these words, like many others, were only useful to swear by. The only thing I was taught to fear was a thief-catcher; and, though I eluded his vigilance for some time, he caught me at last. In prison the parson told me how I ought to have been brought up. He found that I had never been idle; that I had labored in my calling; that I had never robbed my father, or cheated my landlady, and that to the best of my power I had done what I was told to do; and yet I was put into gaol, and, if I had not been a very little boy, the parson said I should have been hanged.

"There are some hundred boys in London who are all living as I lived; and when I was tried, a gentleman in a great wig talked very kindly to me, and if I knew what his name was, I would send this letter to him: he said he would have a school in Dyot street, where boys might be told what was right; and I think, Sir, before they are caught and hanged, it would just be honest to tell them that they are in danger of it, and to tell them what is law, and what is society, and not to let them hear of it for the first time when they are tried.

"I am going, they say, among savages, and I never desire to come back: the savages would have taken care of my education, have taught me to hunt, shoot, and fish, and would have told me how to be a great and good man; but the Christians have not done so; and if it was not that I am sorry for my companions that are left behind, and hope the gentleman in the large wig may see this letter, I would not give myself the trouble of asking my fellow-prisoner to write it.

"JACK WILD."

No. 2.—*Unaided Efforts to Escape from Crime.*

In a Report of the Surrey Society for the employment and reformation of discharged prisoners, I find the following remarks: "The Committee are repeatedly hearing of cases of destitution and wretchedness (among prisoners, too, of whose penitence there can be little doubt,) to which the state of the Society's funds prevents them from affording any relief: and the consequence is, that many of them, most probably, fall again into crime.

"A case of this kind occurred within the last few weeks. A boy was committed to the House of Correction at Brixton for a month, for some petty theft. He had lost both his parents, and had no friends or relatives except one brother, whom he did not know where to find. He was anxious to go into the 'Refuge,' but the Committee, from want of funds, were unable to send him. He was advised to apply to the Workhouse for relief; but in a few days he returned to prison, having been a second time convicted of stealing. He stated, that he had applied to the Workhouse, and was taken in for one night, but he was turned out the next morning, and being perfectly destitute of the means of support, he had recourse to stealing. The Chaplain at Brixton states to the Committee, that he sees and converses with many of the prisoners on their discharge, on whose minds he believes a decidedly religious impression has been made; but, when urging on them the necessity of honest industry, he is frequently met with the question, 'What are we to do, sir? We would gladly work; but we have lost our character, and nobody will employ us.'"

On the 10th July, 1841, Charlotte Cullum, a girl who had made a false charge against a policeman, and who had been remanded in order that an endeavour might be made to get her into some of the institutions for reclaiming girls who are inclined to become reformed, was brought before the magistrates at Guildhall. The Secretary of "The London Society for Protecting Female Servants," declined to receive her, the object of that Society being to sustain the well-disposed.

The Secretary of "The London Society for the Protection of Young Females," Mile-End, attended, and said that the case appeared to be within the limits of the Society. The rules restricted their attention to reclaiming juvenile prostitutes; but, by one rule, they might make an exception in favour of a girl above fifteen years of age, and he would submit the case to the Committee. The great difficulty was, that the number of objects seeking to be reclaimed, very much exceeded the means of the Society. *It did not receive above one out of every eighty applicants!*—*Sampson on Criminal Jurisprudence, &c. Appendix, No. VI.*

No. 3.—Interesting Details of the State of Crime in the British Empire.

In the prosecution of our labors as Journalists of Philanthropy, it will often happen that important and admitted principles, or facts, are so involved with others that are questioned or controverted, as to make their separation quite as difficult as that of the tares from the wheat, after both have sprung up. We are not disposed to think, however, that truth and error ever so closely resemble each other, or are so artfully intermingled, that an intelligent and unperverted mind, will be likely to mistake the one for the other.

If, in the course of such an article as the following, (for the substance of which, we are indebted to an English periodical,) opinions are intimated which might be supposed to favor a feature in the penal code, which, we know, many persons condemn, we shall not be held responsible for them, as if they were advanced by ourselves; nor will it be considered as any opening of our pages to unprofitable controversy, which we are studiously careful to avoid. We cannot believe, that the mere incidental suggestion of a doubt by an opponent, is to unsettle the minds of men, or to call for instant refutation; as if truth stood in such a ticklish position as to be endangered by a breath. Our readers will bear in mind, therefore, that for the sake of many highly interesting facts exhibited in this abstract of English criminal returns, we take the article entire,—neither denying nor affirming—sanctioning nor opposing, the views of the writer on the subject of extreme punishment.

Late criminal returns presented to parliament, contain matter of grave interest at the present moment—not only to those more immediately connected with proposed reforms in our penal system, but to the public generally. Probably no great national question is surrounded with so many difficulties of various kinds as that of criminal science and its administration. These difficulties exist, in the first place, in the very nature of the subject itself—involving, as it necessarily does, many of the fundamental, yet controverted, principles of moral, social, and political science; but they are not a little complicated and increased by the fact of some not very profound views having gained currency amongst certain classes as to the jurisdiction of society in the matter of life and death; more especially as the legal forms, provided by the constitution for the administration of the law, afford to these well-meaning but, we think, mistaken individuals the power of interrupting the course of justice. They set their theories up against the sanctions of the law, and in the name of mercy seek to minimize the apportionment of pain to the offender. On abstract grounds they are possibly right; but society is concrete, not abstract: it has to be dealt with, by practical men, in the rough. One cannot break stones with the sculptor's implements. We are not Draconists. We have no faith in excessive punishments. The infliction of unnecessary pain we should strenuously denounce as absurd as well as inhuman. We have no objection even to the abolition of extreme penalties, as soon as they can be dispensed with with increased or even with equal security to society—but not till then.

In the meanwhile it is highly desirable that we proceed in our reforms and alterations of the existing law with great caution—consulting, where it

is possible to do so, such authentic facts as our experience may furnish as we advance, making our progress, even if it be slow, certain—and thus provide against the waste of time, energy, and wealth, in prosecuting a false path, which we might subsequently find ourselves under the painful necessity of retracing. In the present state of theoretical penal science, with such uncertainty as to the play of motives in criminals, and while the existing anarchy prevails as to the relation and effect of punishment on crime, real *bona fide* statistics constitute the only safe basis on which to form a judgment as to the best way of proceeding in the work of reform.

In this sense, the criminal tables for 1846 contain matter both of encouragement and warning—encouragement to go on, and warning as to the direction. During the present decade the total numbers of the commitments in England and Wales, for each particular year, have been as follow: 1840, 27,187; 1841, 27,760; 1842, 31,309; 1843, 29,591; 1844, 28,542; 1845, 24,303; 1846, 25,107. The figures offer occasion for grave congratulation. The gradual diminution is spread pretty equally over the surface of the whole country: it evidently arises from general, not from local causes, and is therefore the more satisfactory. The tables for Ireland exhibit a state of improvement almost parallel. In that country the gross commitments were, 1840, 23,831; 1841, 20,796; 1842, 21,186; 1843, 20,126; 1844, 19,448; 1845, 16,696; 1846, 18,792. Both countries show an increase of crime in 1846 over 1845, but in both that augmentation still leaves a balance in their favour against the commitments for 1844 and the previous years. The fluctuation from that regular decrease which, from 1842, had become the rule, admits of natural and unforced explanation, without any reference to the supposition that the *spirit of criminality* has become more active. The year was one of almost unparalleled distress. The privations of 1842, when crime ran up to its maximum, were not by many degrees so severe. To those who know how much the poor, especially in the manufacturing counties, have been tried, it is matter of wonder that offences against the law have been so few. That they have been so is a significant and cheering evidence that better influences and sounder notions are at work amongst the masses than have hitherto been found to operate with them.

On the other hand, while crime generally, with more or less incidental fluctuation, is gradually diminishing, certain species of crimes are alarmingly on the increase;* the increase being almost uniformly in those departments in which penal concessions have been made to the ultra-humane tendencies of the age. This is especially the case in the more serious crimes—namely, such as, before the mitigation of punishment commenced in 1832, were capital offences; attempts at murder, rape, burglary, arson, forgery, &c. For the five years ending in 1831,—i. e., before the alterations in the criminal law took place—the number of commitments for attempt to murder in England and Wales was 453; for the five years ending 1846, they numbered 1,099! The charges for rape in the same periods were 252 for the former, 597 for the latter. Those for burglary were 1,290 in the first, against 2,701 in the last; those for arson 212 against 581; those for forgery, 240 against 796. These terrible augmentations have occurred in the face of a *general* diminution of crime, as we have already shown; while the

* In France also, there has been a gradual diminution of crime generally within the ten or fifteen years preceding 1845; yet the cases of rape and accusations therefor, before the courts, have greatly increased, and this without any change in the criminal jurisprudence of that country. There are probably causes much more potential in their operation for the increase of particular crimes, than those mentioned in the text.—Ed.

crime of murder, still capital, has not increased in any proportion—the numbers for each lustre of the last twenty years being: 1826 to 1831, 317; 1831 to 1836, 355; 1836 to 1841, 284; 1841 to 1846, 360; being 29 more for the first ten years than for the second. We should not agree with those who would accept these tables as a warrant for a return to the severer penalties of former times; but while we should reject the arguments which they offer, as inconclusive for such a purpose, we would interrogate them again and again before we ventured to advance still further in the same direction.

But again, it is only fair to suggest, that probably one of the causes of the increase of those serious crimes, which are not now capital, is to be found in the *uncertainty* of the punishment attached to their commission. For several years past penal science in England has been in a state of prolonged crisis. While extreme penalties have been abolished altogether, the system of secondary punishments has been in a state of the utmost anarchy. Before, the culprit knew his fate well; it stood before him—fixed—speedy—terrible. There was no hope, juggle, or equivocation about a death sentence. On those which have been substituted for it there has been every kind of doubt, as to their reality, their amount, and the mode of suffering them. There is evidence to show that this doubt—unavoidable perhaps in a period of experiment and transition like the present—has exercised great influence over the minds of criminals in diminishing the terrors of the law. This uncertainty should be put an end to with all possible despatch. There ought to be no misconception in the country on this point. Certainty, promptitude, severity, are all necessary elements of prevention; the notion that any one of these is relaxed, should be avoided as a fatal mistake. If our present scale of punishments is to be maintained, something must be done to render it more operative. *How* it is to be rendered more operative, which of the penal theories now prevailing is best adapted to render it such, is a question too large to be entered upon here; but we shall have only too frequently occasion to return to the subject. Enough for the present that we have pointed out the terrible increase of the more serious crimes, contemporaneously with as remarkable a diminution of general criminality throughout the country; and indicated the necessity of arranging our system of secondary punishments so as to give to them a character more calculated to deter—a change which may probably be effected without materially, if at all, diminishing the humane hope of reforming the criminal.

No. 4.—*Abstract of Returns of the Keepers of Jails, and Overseers of the Houses of Correction, in the State of Massachusetts, for 1848.* pp. 40.

This document contains several matters of interest to those who are students of criminal statistics, but the following abstract embraces the general results, so far as they would interest most of our readers.

| | In Jails. | H. of Cor. | Total. |
|----------------------------------|-----------|------------|--------|
| Whole number of prisoners, - - - | 5821 | 2439 | 8260 |
| Males, - - - - - | 4965 | 1858 | 6843 |
| Females, - - - - - | 776 | 601 | 1377 |
| Not classed, - - - - - | 60 | 0 | 60 |
| Adults, - - - - - | 4959 | 2104 | 7063 |
| Minors, - - - - - | 801 | 345 | 1146 |
| Not classed, - - - - - | 61 | 0 | 61 |
| White persons, - - - - - | 5466 | 2227 | 7693 |

NOTICES.

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| | In Jails. | H. of Cor. | Total. |
|---|-------------|-------------|-------------|
| Colored persons, - - - - - | 294 | 232 | 526 |
| Not classed, - - - - - | 61 | 0 | 61 |
| Natives of the State, - - - - - | 544 | 599 | 1143 |
| Natives of other States, - - - - - | 246 | 465 | 711 |
| “ of other countries, - - - - - | 635 | 1348 | 1983 |
| Not stated, - - - - - | 4396 | 47 | 4443 |
| Able to read or write, - - - - - | 914 | 1606 | 2520 |
| Addicted to intemperance, - - - - - | 879 | 1574 | 2453 |
| Confined for debt, - - - - - | 1177 | 0 | 1177 |
| “ for insanity, - - - - - | 18 | 25 | 43 |
| Remaining in confinement, Nov. 1st, 1848, | 263 | 699 | 962 |
| Average cost of board of each prisoner, | | | |
| per week, - - - - - | \$1 69 | \$1 74 | \$1 71 |
| Estimated value of labor in Houses of | | | |
| Correction, - - - - - | | \$9657 55 | |
| Total amount of expenses of Jails and | | | |
| Houses of Correction, during the | | | |
| year, - - - - - | \$14,529 53 | \$62,689 11 | \$77,218 64 |

CRIMINAL OFFENCES:

AND THE NUMBER OF PRISONERS UNDER EACH HEAD.

| | In Jails. | H. of Cor. | Totals. |
|---|-----------|------------|---------|
| Adultery and lewd conduct, - - - - - | 103 | 80 | 183 |
| Assault, - - - - - | 499 | 181 | 680 |
| Arson, - - - - - | 3 | 0 | 3 |
| Burglary, - - - - - | 73 | 0 | 73 |
| Forgery, - - - - - | 14 | 2 | 16 |
| Homicide, - - - - - | 2 | 0 | 2 |
| Highway Robbery, - - - - - | 4 | 0 | 4 |
| Intemperance, - - - - - | 829 | 1294 | 2123 |
| Keeping of Brothels, - - - - - | 89 | 19 | 108 |
| Larceny, - - - - - | 681 | 449 | 1130 |
| Making or passing Counterfeit Money, - - - - - | 29 | 2 | 31 |
| Murder, - - - - - | 18 | 0 | 18 |
| Perjury, - - - - - | 3 | 0 | 3 |
| Rape, - - - - - | 14 | 0 | 14 |
| Vagrancy, - - - - - | 27 | 154 | 181 |
| All other crimes, - - - - - | 2074 | 258 | 2332 |
| | 4462 | 2439 | 6901 |
| Total commitments to Jails and Houses of | | | |
| Correction, for crimes, - - - - - | | | 6901 |
| Cause of commitment not stated in Jail returns, | | | 40 |
| Whole number of witnesses committed for | | | |
| safe-keeping, - - - - - | | | 142 |
| Persons committed for debt, - - - - - | | | 1177 |
| Whole number of all commitments, - - - - - | | | 8260 |

No. 5.—*Something still to be done for Prisoners !*

A late Boston journal contains an abstract of a sermon or address by a Unitarian clergyman, in which the state of prisons is specially noticed.

"He spoke," (says the reporter,) "more particularly of the neglect of the comfort of the prisoners in the county jails—the herding together of all classes of criminals in close, damp cells,—and showed, that in a majority of cases, the prisoner, instead of becoming a reformed man, under such a careless system, was made a greater foe to society than he was before his deprivation of liberty. He instanced the county jail at Alfred, (Maine?) in four small cells of which were fourteen prisoners confined—boys of sixteen years of age being thrust into the company of the hardened criminal—thus learning in the prison, deeper lessons in villany, and defeating what should be the object of all punishment, the reformation of the delinquent. This, from what we have heard of the crowded state of Leverett street jail, will apply to our own city. During the whole of the summer, this prison has been filled to suffocation, and the sufferers in many cases are innocent of all wrong—men confined for debt, or awaiting examination or trial for crimes *charged* upon them. This should not be permitted. Our city, within a few years, has doubled its population, and more than doubled its crime, from the fact, that much more than formerly of its increase of population has been from the immigration of the ignorant, and, we fear, of many of the starved-out rogues of the old countries. It is a moral murder to thrust those who have slightly strayed from the path of virtue, into the same cell with those who have become gray in crime."

No. 6.—*Tracts for the Dissolute.*

At page 193 of our present number, an English writer deploras the omission of all care for the warning and instruction of the dissolute, in the preparation and publication of tracts. He is not probably aware, that the London Religious Tract Society has recently published *nineteen* tracts, especially for this class of wanderers, which are sold in a package at 1s. 10d. They are called "*Tracts on Licentiousness*," and are classed as follows:—

Addressed chiefly to Females who have fallen, or who are in danger of falling.—Misery and Mercy. The History of several Unhappy Females.—A Brand plucked out of the Burning; or, Elizabeth Kenning.—The Weeping Woman. By Charlotte Elizabeth.—†The Unwedded Wife.—†The History of Sarah S.—The Shropshire Girls.—The History of F. S.—The Penitent Female.—Sally of the Green. By Mrs. Hannah More.—To the Unfortunate Female.

Addressed chiefly to Young Men.—A Covenant with the Eyes.—Progress of Sin; or, Beware of the First Wrong Step.—The Black and Dark Night.—†The Father's Warning, in a Letter to his Son.—On the Seventh Commandment.—To a Youth, on the Importance of Purity.

Adapted to either Sex.—On Licentiousness.—†The Medical Student.—On Chastity.

† Republished by the Magdalen Society of Philadelphia.

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CONSTITUTION

OF THE

"Philadelphia Society for Alleviating the Miseries of Public Prisons."

WHEN we consider that the obligations of benevolence, which are founded on the precepts and examples of the Author of Christianity, are not cancelled by the follies or crimes of our fellow-creatures: and when we reflect upon the miseries which penury, hunger, cold, unnecessary severity, unwholesome apartments, and guilt, (the usual attendants of prisons,) involve with them, it becomes us to extend our compassion to that part of mankind who are the subjects of those miseries. By the aid of humanity, their undue and illegal sufferings may be prevented; the links which should bind the whole family of mankind together, under all circumstances, be preserved unbroken; and such degrees and modes of punishment may be discovered and suggested, as may, instead of continuing habits of vice, become the means of restoring our fellow-creatures to virtue and happiness. From a conviction of the truth and obligation of these principles, the subscribers have associated themselves under the title of "THE PHILADELPHIA SOCIETY FOR ALLEVIATING THE MISERIES OF PUBLIC PRISONS."

For effecting these purposes, they have adopted the following CONSTITUTION.

ARTICLE I.—The officers of the Society shall consist of a President, two Vice-Presidents, two Secretaries, a Treasurer, two Counsellors, and an Acting Committee, all of whom, except the Acting Committee, shall be chosen annually, by ballot, on the second Second-day, called Monday, in the month called January.

ARTICLE II.—The President, and in his absence one of the Vice-Presidents, shall preside in all meetings, and shall subscribe all public acts of the Society. The President, or in his absence either of the Vice-Presidents, shall moreover have the power of calling a special meeting of the Society whenever he shall judge proper. A special meeting shall likewise be called at any time when six members of the Society shall concur in requesting it.

ARTICLE III.—The Secretaries shall keep fair records of the proceedings of the Society, and shall correspond with such persons and societies as may be judged necessary to promote the views and objects of the institution.

ARTICLE IV.—The Treasurer shall keep all moneys and securities belonging to the Society, and shall pay all orders of the Society or Acting Committee, signed by the President or one of the Vice-Presidents, which orders shall be his vouchers for his expenditures. He shall, before he enters upon his office, give a bond of not less than two hundred pounds for the faithful discharge of the duties of it.

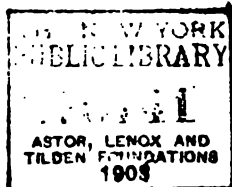
ARTICLE V.—The Acting Committee shall consist of the President, two Vice-Presidents, two Secretaries, two Counsellors, Treasurer,

(See 3d page of Cover.)



JANUARY, 1849.

NO. I.



ART. I.—SECLUSION.

ENTIRE seclusion from the world, which consists in the loss of personal liberty and a restriction to very narrow limits of habitation, separate from every other, has been, of late, regarded too much under one aspect. It is made to suggest continually, ideas of tyranny and revenge,—the subterranean dungeon, or “the deep, damp vault,” the tenants of which are shut out from the light of day and from all converse with their fellow-men. History, and that not of the olden time alone, when each baron’s castle had its keep, reveals too many examples of this kind of imprisonment; and poetry and romance have added a deeper colouring and introduced additional details to the picture. But history also discloses the fact, that not only many individuals, but entire classes of men, at different times and in different countries, have voluntarily secluded themselves, to the extent of entire separation from the world and its inhabitants. They were moved to this act by a wish to do penance for their sins, or to resist temptation, or by a belief that they could purify themselves by a life of meditation and prayer. A little reflection, moreover, will soon convince us, even without historical precedent, that the best lessons for man’s guidance in his ever-difficult career, are obtained through seclusion, and the frame of mind and soul which it induces.

We propose, in the following remarks, to exhibit the subject under some of its better, more encouraging, and, at the same time, truer aspects. In doing this, we shall not engage in a formal argument, and we may be found citing instances which are to be received, rather as proofs of the powerful influence

and effects of the practice of seclusion, than as examples for general or literal imitation. Our object is, to enlarge the field of vision of those who are somewhat too prone to look upon the system of separate confinement, as the renovation, in a methodical shape, of antiquated cruelties; whereas, in fact, it has the sanction of sound precedent in former usages, and the general sense of mankind in its favour. A very short excursion into the domain of literature and morals would suffice to open a right view, and dispel those prejudices so prevalent in certain quarters on this subject. Conviction, however, can only ensue after an examination of the direct evidence furnished by the actual every-day workings of the modern system, in its present improved state,—as applied to penitentiary discipline.

Although man, in society, is impelled to the most varied and vigorous exercise of all his faculties, and in it finds a field for the display of his greatest usefulness; yet, on the other hand, it cannot be denied, that, in occasional seclusion and solitude, he acquires resolution to combat his erring propensities, and to bear himself with patience and dignity under the wrongs inflicted upon him by his fellow-men. How many deeds of pith and moment; how many discoveries in science and the arts have been the fruit of prolonged solitary musings and study! We can only cease to be the creatures of external circumstances, and to be impelled by an almost irresistible necessity, by retiring, for a while, from the din and commotion of the world, and by separating ourselves from the vast and clumsy, though perpetually moving machine, called society. Do we determine, within ourselves, to atone for injuries done, or to strengthen generous resolves by the convictions of reason, we seek for the sustained will and the power in self-communing, removed from the gaze and speech of all our customary associates: we seclude ourselves from their flattering counsel, or specious sophisms, and we shun the danger, also, of their misleading looks, and sometimes pernicious smiles,—worse even than spoken evil itself. With mind and feelings thus sobered, and temptations removed, we can then invoke, in a becoming spirit, assistance from above, and receive the tender monitions of a judicious friend, the first of which would

never have been sought, and the second never listened to, in the company of vain and idle, not to say dissolute associates.

Sleep is not more necessary for the renovation of the physical and intellectual faculties of man, than seclusion is for a renovation of his moral faculties, when worn down as they so constantly are, by attrition with the asperities and obliquities by which he is surrounded in the daily haunts of business or of pleasure. As, for procuring sleep, the usual excitors of the senses must be withheld; so, for resting our moral nature, there must be a withdrawal of the social excitements. The advice, of exclusion of light and of entire rest for inflamed and over-tasked eyes, is not more imperative than that of entire seclusion from the world, and of quiescence of the over-excited propensities. Sometimes, the disorder in both cases is of temporary duration, and speedily removed; but if it has lasted so long as to become habitual, we must not anticipate so satisfactory a conclusion. To use the language of the medical faculty, the case is a chronic one, which calls for a long and skilful treatment. The heroical remedies, which might have been successful in the beginning, now fail or prove injurious in their effects.

In many diseases of the physical man, a long time must elapse, so as to allow of almost a renewal of the organs, by the removal of old and the deposition of new tissues, before health is restored. In the perturbations and disorders of the intellectual and moral nature, a long period must, in like manner, be passed, before we can hope to eradicate the evil habits of which these disturbances are evidences and effects. There is one indispensable preliminary condition for the treatment of both these classes of morbid states,—viz., a removal of the primary and sustaining causes, as far as these depend on external and appreciable circumstances. We would not think much of the professional skill of a physician, who contents himself with prescribing medicines to a person suffering from lead poisoning, but who fails to recommend his patient to withdraw from the manufactory in which he is in continual contact with the poison. Is there more wisdom in those who pretend to reform a criminal, while allowing him to associate, in any fashion, with other criminals, and to imbibe, continually, the moral poison with

which he is already grievously infected? It has been expressively, but somewhat quaintly observed, that "evil custom is a hook to the soul, and draws it whither the devil pleases." A being under the influence of evil custom and its farther prolongation and strengthening into habit, has acquired so fixedly the particular direction in which he has been long pulled, that the mere withdrawal of the hook will not rectify him; and still less will it do so, if he be inspirited by others, also deformed after various fashions, to keep up, by mimic practice, his obliquity.

They who have voluntarily secluded themselves from the world, under the influence of religious feelings, may be divided into three classes:—1st, Hermits; 2d, Anchorites; 3d, Cœnobites. The first and second of these led a life of solitude and separation; with this difference, that, while hermits spent much of their time in the open air, anchorites passed their lives in cells, or sometimes in pits or caverns, from which they never removed. The cœnobites (from *cœnobiūm*, a convent), lived together on a common stock, secluded from the world in various degrees, according to the vow of their order.

Under the first, or eremetical class, we may include the prophets and other holy men of the Old Testament, who loved to withdraw themselves, for long periods, from the business, and the bustle, and the wearisome formalities of the world, and to seek, in solitude and prayerful meditation, for the strength of will and the inspired knowledge by which they were able, when they re-appeared at the courts of kings, or in the crowded marts, to exhort, or to denounce, to promise blessings, or to threaten calamities. To this class belonged, also, John the Baptist, who, "while he was in the wilderness, became the pattern of solitary and contemplative life, a school of virtue, and example of sanctity and singular austerity." The Saviour himself used often to retire from all human society, to indulge in solitude and prayer. In the beautiful language of Jeremy Taylor: "It was solitude and retirement in which Jesus kept his vigils; the desert places heard him pray, in privacy he was born, in the wilderness he fed his thousands, upon a mountain, apart, he was transfigured, upon a mountain he died, and from a mountain he ascended to his Father: in

which retirements his devotion certainly did receive the advantages of convenient circumstances, and himself in such dispositions twice had the opportunities of glory."

At all times, they who wished to impart the appearance of a divine sanction to their mission, as legislators or reformers, have deemed it necessary to practice seclusion for a season; some with a design of impressing the multitude with a belief in their sanctity, others with a sincere desire to meditate on their duties, and to prepare their minds for the great enterprises which they were about to undertake. Numa Pompilius, retiring to the grotto of Egeria, and Mohammed, to the cave of Hera, are instances familiar to every reader.

In the East, more particularly, amidst the successive changes of creeds in religion and philosophy, the belief that the Deity would be appeased by abstaining from the pleasures of life, and from the society of men, was always popular. Hence, even in the ages long before Christ, we read of the Gymnosophists, or recluses of India, who were found both among the followers of Brahma and of Fo, in the two sects of philosophers, Brachmans and Samamæans. So, also, in sacred history, we are told of the Nazarites among the Jews, in the time of Moses. The Essenes were of a later period.

The early Christians, particularly those of Syria, Palestine, and Egypt, furnished numerous examples of this form of devotion, which found imitators, also, in Europe; but more in the southern than in the northern part of the continent. The retirement of the Gymnosophists from the world, their mode of life, entirely devoted to contemplation, even their rigid observances and self-inflicted penances remind us forcibly of the first Christian recluses of Egypt. It is worthy of remark, in this place, that nearly all the systems of Grecian ethics were founded upon a belief of the necessity of man's abstracting himself, in a certain sense, from the world and its concerns, in order to be able to live only for himself. "Not only Plato, but Aristotle himself (the most practical of philosophers,) is inclined to give to the life of retirement and meditation, devoted to internal energies, a decided preference over that of external exertion." We cite this opinion, as a strong expression of the advantages of occasional seclusion, but not with a design to en-

force it as an advice for general adoption. Its author, Frederick Schlegel, very properly adds: "But even if we should be disposed to admit that the individual recluse may thus be furnished with a good opportunity of cultivating his own intellect, there is no question but the whole society must be a loser by the most cultivated intellects being withdrawn from its services."

The recluses of whom we are speaking, both Christian and heathen, were, in large numbers, anchorites, who passed their lives in cells, sometimes in pits or caverns, from which they never removed. They were not, however, always solitary, though separate, for, at times, these persons fixed their habitations near each other. The cells were then called by the collective term of *laura*: but their inmates always lived personally separate. The *laura* must, therefore, be distinguished from the *cænobium* or *convent*, in which latter, as already observed, the monks lived in society on a common stock. Sometimes, indeed, the convent was surrounded with a *laura*, to which the more devout or the more idle of the monks might ultimately retire. This entire seclusion was occasionally awarded as an honour to the most exemplary of the monkish brotherhood, in order to give them what was then deemed fitting opportunity for indulging in religious contemplations. Early in the seventh century, the councils began to lay down rules for the order of the anchorites. The canons on the subject say: "Those who affect to be anchorites, shall, first, for three years be confined to a cell in a monastery, and if, after this, they profess that they persist, let them be examined by the bishop or abbot, let them live one year at large, and if they still approve of their first choice, let them be confined to their cell, and not be permitted to go out of it, but by the consent and after the benediction of the bishop, in case of great necessity."—See *Encyclopedia Americana*—Art. *Anachorets*.

The cells in which the anchorites lived, were, according to some rules, only twelve feet square, of stone, with three windows. The door was locked upon the anchorite, and sometimes it was walled up. Here he passed his time in self-imposed mortifications, viz., eternal silence, heavy chains, severe flagellations, singing psalms in cold water during winter nights, &c. The cell which is said to have been occupied by

Dunstan, at Glastonbury, was not more than five feet long, two and a half feet broad, and barely the height of a man.

Among the eminent men in the early history of the church, who led the life of an anchorite, for a term of years, we may mention Chrysostom and Augustine. The former retired to a mountain near Antioch, among the anchorites, who dwelt in that district. It would seem from the pleasing description which he has given of their mode of life, that they read psalms and hymns at early morn, and attended mass during the day, in common; but that, with these exceptions, each passed the time in his separate cell, in reading the Scriptures, or in copying books. They never spoke to each other. After four years thus spent among these people, Chrysostom sought still greater seclusion, by dwelling in a cavern, where he remained two years without lying down. Such violent, self-imposed penance was, however, happily interrupted by sickness, which forced him to return to Antioch, and to begin a career, in which his reputation for zeal, disinterested and devoted services and eloquence, shone pre-eminently. Augustine, after his conversion, or rather the reform in his life and character, secluded himself entirely from the world, and during this time, wrote many books, and prepared himself for baptism. His zeal for the monastic life was evinced by his founding monasteries for both monks and nuns in Africa. We need not detain the reader by more than a brief reference to the well known character of Augustine, the "Christian Cicero," who, more than most preachers and theologians, knew how to touch the heart, by awakening the sinner to repentance and the penitent to hope.

The third class of recluses, the Cœnobites, or monks and nuns, will not delay us long. Similar considerations to those that influenced the anchorites, led these devotees to enter a monastery, that is, in the first period of monasticism. Retreat from the violence and corruption then almost universal, and avoidance of the temptations of the world, with encouragement from good example, and social prayer and other religious observances, were the motives and the objects of the first tenants of monasteries. But the social spirit is never at rest. When not benefiting, it injures. So soon as these retreats

were opened to the indolent, the ignorant, and the discontented, the forms of religion and opportunity for meditation, were incapable of preventing the deteriorating influence of unworthy associates, and the contamination from daily intercourse of the inmates with each other. In the cases of the hermit and the anchorite, there was nothing to lower the lofty, although ideal standard of excellence ever present to their minds. They might be wrought up into undue enthusiasm, rapt in visions, or be victims to spiritual pride; but they were exempt from the meanness, the low and grovelling tastes, the crapulous indulgences and other sensuality of the associated monks. The solitary recluse might perhaps return to the world, without much increased ability to escape its snares; the former tenants of the monastery would be, in no small proportion, willing scholars, if not adepts in its vices.

The most favourable view of monasticism is, when we regard its external operations—as evinced in its eleemosynary spirit, its missionary services, in the conversion of the then heathenish German and Slavonic people, and in its giving refuges for learning, and schools for agriculture. Like many other institutions, it originated in the condition and wants of the people and the age; and these wants being relieved, and new forms of society created, it fell into decay, or when continued, it was diverted from its original purpose and gave rise to sad abuses.

Notwithstanding the obvious benefits from, at least, temporary seclusion, in its restoring an equable frame of mind to a person agitated by conflicting emotions, and subjected to an habitual indulgence of some mastering passion or debasing propensity, few persons voluntarily place themselves under its sanitary influence. The forms may be gone through; but thorough self-communing, an introversion of the mental faculties, by which we scrutinize our motives and calmly scan the true character of our past relations with the world, must be obtained, for the most part, at the price of sickness and peril of life, it may be of deprivation of fortune, or of family and friends,—reputation dimmed and ambition disappointed. During this period of enforced seclusion, the captive, as he would call himself for the time being, has leisure, and after a while ac-

quires the ability and the will to review his former course of life ; and while he sees and admits his errors, his faults, and his vices—it may be, his crimes unwhipped of justice—he makes resolves to alter and amend, and not only to open a new path for the future, but to follow it up with determination and vigour. Many persons on re-entering the world have seemed to begin a new existence, and to have come out from their retirement with even more than renovated faculties. But for his wounds and the infirmities consequent on them, Ignatius Loyola would never have sought seclusion, nor have indulged in those meditations which ended in the establishment of the stupendous institution—the order of the Jesuits. To the unjust confinement of John Bunyan in a gaol, we are indebted for “The Pilgrim’s Progress,” and the lessons of life in that matchless allegory. It was during an imprisonment of seven months that William Penn wrote his most acceptable work—“No Cross, No Crown.”

In our commendations of seclusion from the world for a season, we do not forget the opinion of the moralist, that solitude is the nurse of the prurient passions. Mere solitude without occupation, idleness in fact, in which revery takes the place of meditation, and the mind either becomes stagnant or continues under the dominion of the same infirmities from which it had suffered in the world, is not good. The temptations are withheld, but the desires are not extinct. With less definiteness of purpose, there is still a vague longing after the prohibited, although now unattainable, object. The frame of mind thus engendered leaves its possessor open to the impulses of any formerly excited propensity or sentiment ; and, in cunning hands, the deluded being may be made the fanatical instrument of misrule, disorder, and crime. Our advocacy of seclusion is not of a state of idle solitariness, of faculties at rest and unstrung, but of a state in which both the mind and body of the recluse are regularly and methodically exercised on useful objects, for definite and approved purposes. He is in narrow limits, but then he is free from the temptations of evil company, and of evil example and suggestion. It is not enough, however, to stop short with the negative and the passive. In order to save him from repinings at his separation from the world and its pleasures, or from a de-

sire to resume its follies or take a share in its vices, he must have occupation in his new abode: he must be led into the path of religious meditation and exercises, and be encouraged by the voice of humane, if not friendly, monition, while a future, not without hope, is presented to his imagination and his faith.

So far we have spoken of two kinds of seclusion: the one voluntary and self-imposed, after a regular method; the other compulsory, transient, and irregular. The first was not only adopted by prophets and other holy and good men in different ages, but it was carried out with a tenacity and frequently with an extreme of ascetic observances, which exceeded in severity of personal hardship any thing of the like nature imposed by legal enactment, as a penalty for crime. The second kind of seclusion, or the compulsory, wears the appearance of punishment, although, in fact, its effects are for the most part salutary, and evince beneficent intention. The infliction of sickness and other sore distress is painful, as the means necessary for their removal are distasteful and irksome; but we do not arraign the wisdom of Providence who inflicts, nor the real benevolence of the physician and other comforters, who administer their disagreeable remedies and sharp advice, on these occasions. The sufferer on the bed of sickness, or from the loss of family and other friends, or of fortune, after the first feeling of surprise has subsided, admits that the afflictive dispensations "spring not from the dust," but are ordained of God. It is not our wish on this occasion to sermonize, nor have we the vocation or aptitude for the task; but we need not apologize for introducing a summary of this view of the subject in the terse, though somewhat quaint, language of the learned and the logical Barrow, in his sermon "On the Goodness of God."

"To afflict men (either some men singly or whole societies of men) may be sometimes expedient on several accounts; for vindicating the esteem and supporting the interest of goodness, which may, by impunity, be disgraced, endamaged, endangered; for the discrimination of good and evil men, in an observable manner; for the encouragement and comfort of the good, the reduction and amendment of the bad; for preventing the contagion and stopping the progress of iniquity, whereon greater guilts and worse mischiefs would ensue: it may be

necessary as sharp physic to cure public or private distempers; as an instrument of rousing us out of our painful lethargies; as that which may cause us better to understand ourselves, and more to remember God; as a ground of fearing God, and an inducement to believe his providence. For these and many such purposes, to bring on men things distasteful to some may be very requisite; nor doth the doing it anywise prejudice the truth of divine goodness, but rather confirms it, commends it, and advances its just esteem. It would be a fond indulgence, not a wise kindness; a cruel, rather than a loving pity, to deal otherwise."

Compulsory seclusion is clearly one of the means chosen by a benignant Deity for present affliction; but yet it is of subsequent and lasting benefit to the afflicted. The same means are used with similar intent and effects by parents in the education of their children. The State—people constituting a regularly organized community, speaking through written and published laws—has also recourse to the same means, with the additional obligation of protection of itself, as well as of chastisement of the offender. No sudden and violent punishment, which would indicate revenge rather than justice tempered with mercy, is inflicted. The sufferings of the secluded criminal are not, any more than those of the bed-ridden sinner, destructive. They are in both the effects of displeasure; not of displeasure intended for the destruction of the object, but for its amendment. The result hoped for from such wise and benign means is, in a great many instances, produced. But, on the other hand, corrections, whether inflicted by Providence or by the State, often fail to produce the desired salutary reform. Men are even sometimes hardened by rebukes. Solemn resolutions of reform are made, but in many cases their passions are only laid asleep, to use the language of Robert Hall, while their principles remain unchanged. The influence of the world, the long habit of crime is suspended, not destroyed. Their "goodness is as the morning cloud and as the early dew, which passeth away."

Let us not, then, expect, still less intolerantly exact, more from our system than is obtained by the acknowledged teachings of Providence, and the chastisements which he wills for the correction and amendment of those who have sinned

against his laws. If we obtain greater success than by any other system of restraint, which has in view the double object of protecting society and reforming the criminal, we ought to be not only content but thankful. To hear some cavillers, one might suppose that the well-meant and well-contrived system of separate confinement ought to produce such a change in the entire nature of the culprit as to transform deformity into beauty, weakness into strength, imbecility into genius, and apathy into flaming zeal. Not thus are the lessons of life taught—not thus ought they to be expounded. There cannot be a promise made or contract entered into that the convict shall enjoy better health in his prison, and leave it, after the expiration of the period of confinement, with a more robust frame than the average of those classes of the community of which he was once, perhaps, an orderly member. A penitentiary, on the separate system, may be regarded as a school of reform and a house of industry; but it is not a gymnasium, nor even a model workshop, nor an institution for the restoration of the lost senses, and the recovery of the idiotic and the insane. It is not a retreat, where the meritorious find their reward; but a prison, where the wicked are put under restraint—for their own good as well as for the safety of society.

There are undoubted drawbacks to the beneficial discipline to which convicts are subjected by seclusion in penitentiaries, on the separate system. These are chiefly owing to a change from an active and often out-door life to a sedentary and indoor life. But, the tendency to disease thus induced finds a parallel in the transitions to which large numbers of individuals, including even members of the learned professions, are exposed. Every new mode of life, whether it be of bodily or of mental labour, is a severe tax upon the powers of endurance of the vital frame-work and constitution. The first period of professional life, particularly that of a clergyman or physician, as involving unaccustomed exposures and anxieties, is one in which the health suffers, and is at times entirely lost. Not only is the body enfeebled, but the mind also loses its energy; and consumption quite frequently, and insanity on occasions, cut short the career of the youthful aspirants for fame and usefulness. Young persons of both sexes, who, coming from the country, take up their residence in town, as servants in private houses or

operatives in manufactories, pay a tax of low fever at first, and often of various chronic maladies afterwards. The converse change, from town to country, particularly to new and imperfectly cultivated regions, opens, as we all know, a wide door to sickness and mortality. With these facts before us, and the enumeration might be readily extended, (using the language of Dr. John Bell,)

‘We may all properly ask ourselves and one another, whether that philanthropy is not romantic and extravagant, which should claim for criminals who have deeply injured society, and some of whom have cruelly taken away the lives of their fellow creatures, exemption from diseases to which so many classes of the community, from the most favoured and highly educated, down to those who are engaged in incessant and toilsome labour, are liable, and under which they frequently suffer.’*

As remarked by the same writer,

“Criminals are patients who labour under a moral pestilence, for which they require seclusion, both to prevent the spread of the contagion of their example and influence, and to obtain their own cure. They are entitled to our sympathy, but this does not imply that they should be guaranteed, at all hazards, against inconveniences and even some suffering incident to the treatment necessary for their cure; or that they should be allowed to hold intercourse with those out of doors, or with each other, by which the prohibited things are smuggled in, and the original contagion kept up by the contamination from numbers; and in either case the treatment interrupted and rendered inefficient.”

In fine, it may be said, with perfect truth, that methodical seclusion is fully justified by large historical precedents, derived from moral and religious precept and example; and that even the compulsory variety is selected by a benignant Creator. as a means of moral reform through affectionate chastisement. Harmonizing with the highest principles of ethics, and the moral constitution of man, seclusion, by a system of separate confinement, ought to be associated in the mind with whatever is practically kind and hopefully beneficent. Like every other scheme for amelioration and moral progress, it must be regarded as more or less transitive, and open to the suggestions of practical science as well as of ever active benevolence.

* Eclectic Journal of Medicine, June, 1845, Philadelphia. Editorial Remarks, entitled *Influence of Prison Discipline on Health*.

ART. II.—MR. FIELD *on Prison Discipline*.*

We derive the following paper from the "British and Foreign Medico-Chirurgical Review" for October, 1848. It is pleasant to find a Journal of the deservedly high standing and weight which this one enjoys, giving, after adequate inquiry, a deliberate sanction to the "Separate System." We might have incorporated the same sentiments into an original article, and in that case have excluded some of the reviewer's opinions and statements to which we cannot yield our free assent; but we have thought it better, on the whole, to give the chaplain and his critic a clear course, and our readers a fair view of it.—Eds.]

IT might at first glance be doubted how far a work like that before us could afford fit subject-matter for a medical review. More mature reflection, however, will, we believe, make it evident to all, that, interwoven as the duties of the medical practitioner are with the great cause of philanthropy in all its phases, still one of the more immediate and important connexions of our science with society is to be recognised in the active discharge of our duties, when alleviating the miseries of the unhappy inmates of gaols.

In what does the great misery of imprisonment consist? Poor or imperfect diet—deprivation of accustomed exercise—deficient ventilation—exposure to cold and damp. Such, at least, were, until lately, the chief discomforts of prisons; and, to a greater or less extent, these physical evils are experienced in most of our modern establishments. Doubtless, under the separate system, mental anguish forms some part of the torture to which the criminal subjects himself; and it is only of late we have arrived at the important discovery, that in the assailable points of man's physical nature we are to find the power, not only to punish, but to save.

Every thing which interferes with the prisoner's physical comfort is, of course, under the control of the medical officer; or, more justly speaking, he is held responsible for any evil arising from such causes. Mental discomforts, too, are early obtruded upon his notice, as subjects for his anxious care and consideration.

Nearly every thing, therefore, that distinguishes the prisoner from the free man, consists in the application of certain conditions to the former, which constitute objects of inquiry for the physician, and which cannot be advantageously entrusted to any one who has not enjoyed the advantage of a medical education.

* Prison Discipline, and the Advantages of the Separate System of Imprisonment. By the REV. J. FIELD, M. A., Chaplain to the County Gaol at Reading. Second Edition.—London, 1848. 2 vols. 8vo, pp. 900.

The volumes before us are evidently from the hand of a fervent and benevolent man, and treat of the separate or cellular system of confinement; not only from the results of his own experience, but with the assistance of various documents printed both in this country and abroad.

Our author is the chaplain of Reading Gaol, which was the first county gaol in England constructed and regulated upon the improved system of separate confinement; the Government prison erected at Pentonville having served as its model.

It may be as well to describe shortly the system of confinement distinguished as "separate;" since much confusion has arisen from the presumption that the separation of prisoners one from another, must of necessity subject them to "solitary" confinement, a punishment, the effects of which were tried in America, where the most disastrous consequences were observed.* These evils are dilated upon by Mr. Field; and the distinction between separation and isolation is carefully drawn in an early part of his work. The great and important distinction, then, between separate confinement and that total isolation now no longer practised in civilized countries, may be described as consisting in the former allowing free and unreserved communication on the part of every prisoner with the disciplined officers, schoolmasters, and trades' instructors, and also with the governor and other superior officers of the establishment, during their visits to the cells. Isolation, on the contrary; forbids all such intercourse, and even excludes the view of the human face from the sight of the prisoner during his imprisonment.

Again, we have to make a distinction between the "separate" and another system of confinement known as the "silent" system; inasmuch as separation, at a first view, might be considered as of necessity involving silence on the part of the prisoner. The silent system (now carried on in perfection at the Coldbath-fields prison) admits of association of the prisoners in workshops during the daytime; but, notwithstanding this, no word is permitted to pass from one to the other, and any breach of this rule meets with severe and inevitable punishment. The effects of association, therefore, provided the silent system is correctly carried out, can influence the mind only so far as the organ of sight is concerned; the great and important element of association, viz., intercourse by speech and exchange of thought, being denied the prisoner. It thus appears clear that the *separate* system, psychologically and correctly speaking, possesses many advantages of association in which the silent system is deficient.

* There is much misapprehension and positive error in respect to the extent and results of what is here called "solitary confinement," as tried in America. It is by no means worthy of the distinction which the reviewer gives it.—*Enc.*

It will be our object here more especially to direct attention to the medical history of the separate system; and to show how far it is proved by experience to demand attention or approbation as a safe mode of punishment, and one which, by comparison with the health and mortality of other prisons, we are warranted in imposing on our fellow-beings.

We have no satisfactory records of the state of health as observed among the prisoners first subjected to separation in this country. As early as 1781, a prison with separate cells was erected at Petworth; and about the same time a county penitentiary was built at Gloucester. These buildings were not of sufficient size, however, for the increasing number of prisoners; and after a few years the cellular or separate system was discontinued, as requiring too much room for the convenience of the establishments. It may be stated, that previous to 1781 nothing was known of the separate system; and it was many years before it was revived in America, after its disuse in this country. We find, however, that both France and America lay claim to the invention of this method of imprisonment; but with no show of truth, so far as we can discover.

An experiment was made on separation at the Milbank Penitentiary, previous to the opening of the Pentonville prison; but the system was never carefully carried out. The returns of the state of health, however, were not satisfactory; and there was a prevalence of mental disease observed, which was attributed to separation by those deputed to watch the experiment.

In 1832, the British legislature determined on appointing a commission to inquire into the state of the American prisons; and in 1834, a most interesting report was addressed to the Secretary of State by William Crawford, Esq.* Mr. Crawford visited the American prisons with a mind well prepared for the task, by laborious attention to the subject of prison discipline in England; and the consequence of his American inquiries was the erection of the prison at Pentonville.

This institution, which may be considered the parent of the Reading and other gaols since completed on the separate system, was opened for the reception of prisoners in December, 1842. In this establishment the Government proposed to put the separate system fairly to the test. The building was erected with every attention to warmth, ventilation, and drainage. The diet was to be liberal, the prisoners chosen as healthy as possible, and careful returns were to be made from time to time by the officers, and more especially by the super-

* This gentleman died suddenly, while attending a meeting of the commissioners for Pentonville prison. He was a most valuable member of that board; and it is chiefly to his untiring resolution and able advocacy, that we are indebted for the success of the separate system in this country.

intendent of the medical department. The term of imprisonment was to be eighteen months.

As a part of the subject more especially interesting to the medical reader, we will now proceed to consider the remarks of the author on the subject of diet, a question which unfortunately appears never to have met with that attention from the medical profession, which its great importance demands. It is true that the opinions of those immediately connected with penal and charitable institutions have occasionally been asked; but the inquiry, in its broader and more extended relations, has been intrusted to most incompetent hands; and while we are unwilling to find fault with the errors of the inquirer whose education never fitted him for his task, we cannot but view with a lively feeling of regret the waste of public money and valuable time which has been consequent on the employment of the incompetent, and on deliberations over their worse than useless reports. We trust the reader will not consider us to be trifling with an important subject, when we state that the worthy members of a great commission lately intrusted with the administration of a most important law, had it clearly proved that the best health and smallest mortality occurred when the cheapest diet was exhibited; that the smallest allowance of nourishment was most conducive to health; and all this, too, while the richest diet under their consideration was one on which any member of the honourable board must have speedily emaciated. We have some difficulty in understanding how this could be done honestly. We know well, that incompetent as the gentleman was who made the inquiry—totally ignorant as he was known to be of physiology and other sciences necessary to the investigation, he still possesses some degree of natural capacity; and there are errors in his tables which a butcher or a baker would detect at a glance, and of which he himself can only have failed to be aware, through most extraordinary carelessness.

Mr. Field in his work says but little of diet; and it would have been far better had he said nothing. Unprofessional men are too liable to believe the physiological falsehoods which carry wonder in their train, to be competent judges of things medical; and we can trace in the following passages convictions imprinted on the worthy chaplain's mind, which are plainly the offspring of early imbibed poor-law superstitions, and which would be most amusing to the better informed, were it not for the sad reflection that they are adding force to mischievous opinions, already too forcibly impressed upon the vulgar mind. Hear, then, our chaplain:

"The various dietaries have been the subject of repeated discussion.

"Justice and humanity, although never really opposed, have on this question appeared at variance, To supply the criminal with a portion which the

honest labourer can hardly by industry obtain, and equal to that which the innocent pauper is allowed, might seem to encourage offences; on the other hand, to withhold a sufficiency, especially under a system of imprisonment which has a tendency to depress, would be inflicting an injury both present and permanent, and in all probability would prevent the efficacy of those means which now prove corrective. On the other hand, it must be observed that remorse and consequent depression is seldom lasting; and when it has given place to other feelings, certainly less food may be sufficient. Amidst difficulties of this kind, it is perhaps most safe to regulate the diet of convicts only with reference to health and as to quantity, irrespective of punishment. If this principle be admitted, it may be a question whether the food itself should not be so coarse as, although perfectly wholesome, to prevent self-indulgence; so that the prisoner, instead of eating to excess, should rather be induced to abstain from more than the calls of hunger require."

Why cannot Mr. Field take a more philanthropic and independent view, than that which would disgrace the ethics of a relieving-officer? Why does he not declare the reason why justice and humanity have on this question appeared at variance?—viz., that the question is a political one, and that humanity tells us, not that we should feed the prisoner worse, but that we should feed the pauper better;—while the honest labourer should feel that his hard toil will be surely crowned with those various blessings which are the products of the field, and the most obvious and immediate gifts of an all-merciful Father. This may not be the more immediately politic, but it is the correct and the practical view. The evil should be looked in the face, even though we cannot remove it; and if the prisoner is placed in punishment by the law, the law is bound to provide for his preservation in physical health, not only in justice to the criminal, but as a sure mode of preventing the production of an unhealthy convict population, which may be regarded as one of the most expensive burthens to the community at large. Doubtless we may here be met by the declaration, that the increased advantage to the labourer and pauper cannot be brought about. We believe that it can, and that it will; and even if it cannot, nothing will excuse the barbarity of half starving a prisoner, because the state of our country inflicts corresponding misery on the poor. Keep the prisoner in health, while you strive to ameliorate the condition of the free.

Here we are met with the assertion, that we induce crime by holding out a good prison diet as a temptation. Now let us consider the facts connected with this; let us look to the number of voluntary prisoners, and the conditions under which they appear as candidates for gruel and ox-head broth—these engaging specimens of humanity, forming the stock in trade and especial pets of the powerful barbarous. In the first place, these voluntary prisoners have been found quite as frequently, and in as large numbers, in the gaols in Scotland, where the

diet has always been low, as in those gaols more favoured in that respect. These voluntaries have never existed in large numbers at all; and, when we regard the whole convict population, may indeed be said scarcely ever to have been met with. Yet to what importance have they arisen, how eagerly are their cases quoted, and how nauseously to the humane and philosophical mind are such instances adduced to defend the old system of wholesale murder, which has disgraced our gaols until within the last very few years! It is surprising that any one who has visited a gaol, can doubt that the irksomeness of confinement far outweighs the *agréments* of the most choice prison diet, or that any thing but approaching starvation (or prominently marked moral insanity) can induce the free man to hug the chain. The little boys who come to prison to get more food, whose cases are quoted, form instances not uncommonly met with among juvenile offenders. They make the best of their fate, and pretend to have gained an object, instead of incurred a punishment. How amused would they be, could they read the book before us. With regard to the statement that the remorse felt by the prisoner on first being subjected to discipline, requires that more food should be exhibited than need be given at subsequent stages of confinement, we can only state that such an idea is discountenanced by every physiological as well as common-sense view of the case; and it is too evident that our kind-hearted chaplain has been cruelly deceived by cunning men, whose remorse has mainly consisted in the development of a remarkably improved appetite, which they have but ill concealed under a show of penitence.

The exhibition of *coarse food* to prisoners, suggested by Mr. Field in order to prevent gluttony, will too surely and obviously strike the minds of our medical readers, as the best means of creating dysenteric and other intestinal affections, to need remark here.

Our author speaks of the great evil which has resulted from feeding boys upon the Government Dietary.—He calls it *feeding in excess*. This is a great pity, if true, but not nearly so horrible as the truth itself happens, until lately, to have been; for we can declare positively that in an institution in which the diet was considered ample, young boys, who have resided there from $2\frac{1}{2}$ to $3\frac{1}{2}$ years instead of growing, have absolutely lost in weight, and that, too, to the amount of some 4 or 5 lbs. each, in 17 per cent. of their number.

These boys were from 7 to 10 years of age on admission. This state of things was lately remedied by the humane exertions of Sir James Graham, to whom the public are also indebted for a most admirable *economical measure*, in the institution of a *more liberal* scale of diets for the prisons of England generally. The money which will be saved by improving the

health of the criminal population, will far exceed the immediate expenditure consequent on improved diet. We cannot leave this part of our subject without remarking upon what has probably been the great source of all these evils, and the probable parent of the prevailing opinion daily gaining strength, that the human body requires ventilation and drainage rather than food.

Medical men have been too much biassed by the opinions of their masters. They have feared to place prison boards in a difficulty, by strong representations of evils, which could only be remedied by measures entailing great expense and infinite trouble on magistrates.

But why should this deter? Why should not the medical attendant state his *purely medical* opinion, and do his best to prevent the urgency of the times from affecting the bearings of a great physiological problem, which, once worked out, as it admits of being in such a case, must stand as an immutable truth, unassailable by the quotations of the corn market, and pregnant with lasting benefits to the human race? The question of expediency and policy is for others; and had the subject been so viewed by our prison officers, the government and magistracy might have had occasion long before this to hold in high esteem and regard a branch of prison service, which now by no means commands the respect it deserves.

The important subject of health as regards comparison between the sanitary condition of prisoners submitted to separate and associated confinement, is not entered upon at any length by the author; and we commend him for quoting the opinions of the medical officers of various establishments, rather than hazarding his own opinions, or drawing even what might appear to him the most obvious conclusions from such facts as have come under his own immediate observation. This careful treatment of the subject, though it is but what we have a right to expect from an educated man and a gentleman, has still not always been met with in connexion with this matter; and we have now before us the reports of an important establishment which shall be nameless, showing the workings of a meddlesome spirit, and an illiterate and illogical mind; which we are sure will not be read by Mr. Field without a lively sense of honest indignation.

There appears every probability, from what we have before us in the way of evidence, that separate imprisonment is far *safer to health* than any other plan of discipline. The facts adduced by the medical officers of the prisons of America and France, as well as those of England, are of a more striking character. From America we find the following evidence from a committee appointed by the State to visit the Eastern Penitentiary.

"A comparison of the bills of mortality of the Eastern Penitentiary with those of several other prisons in the United States, show conclusively that the unbroken solitude of the Pennsylvania discipline does not injuriously affect the health of the convicts. At the Eastern Penitentiary the deaths are 2.5 per cent., at the Sing Sing prison 4 per cent., at Auburn 2 per cent., and so on; settling the question beyond the possibility of doubt, that as great a measure of health is preserved in the Pennsylvania prisons as in other prisons elsewhere."

The physician to the Eastern Penitentiary reports as follows:

"The peculiar mode of confinement, so far from being injurious to the health of the convicts, is generally beneficial, and forms a decided improvement in this particular, over the modes of incarceration pursued in other prisons."

Dr. Coates, of Philadelphia, in a paper read a short time ago, before the American Philosophical Society, observes that "the average mortality of the white convicts in the Penitentiary was less than that of the white inhabitants of the city and liberties of Philadelphia."

MM. de Beaumont and De Tocqueville comparing their associated French prisons with separate prisons generally, say: "With us one prisoner dies out of fourteen in the Maisons Centrales. In the penitentiaries of America there dies on an average one out of forty-nine."

Mr. Combe, who wrote against the separate system before he was personally acquainted with it, subsequently wrote as follows: "We visited a number of the male convicts who had been confined for periods varying from seventeen months to eight years; and their appearance did not indicate either bad health or mental depression."

Let us now look to the Reports of the Commissioners for Pentonville Prison, in which establishment the separate system has been carried on for upwards of five years; and we shall find that the mortality observed bears comparison with that of persons chosen as healthy among the general population, viz.: among the household cavalry. The mortality among those troops has been from 13 to 15 per 1000; that of the prisoners at Pentonville 15.7 per 1000. It must be observed here that the prisoners are selected as healthy as possible for Pentonville; but coming as they do from an unhealthy population, it was hardly to be expected we should observe so close an approach to the health of selected troops, as that shown by the returns.

The general unhealthiness of the criminal population may in all probability be traced to two causes: 1stly, the constant exposure to general causes of disease while they are free; and, 2dly, the bad diet and exposure in prison. The thief at liberty, especially in London, lives on the fat of the land. His passions are indulged to the fullest of their bent. He feels the control neither of physical nor moral influences. The flesh and the

spirit are alike free, and conscience drops the rein. Debauchery in every form exercises its pernicious influence on the frame. The heated and contaminated atmosphere of the gin-shop or the brothel instils its burning or enfeebling poison; and irregularities of diet, in connexion with a weakened power of the assimilating organs, sow the seeds of those scrofulous and tubercular forms of disease, now universally acknowledged as prevailing among our prison population. In such a condition, how heavily must confinement weigh upon the man, both morally and physically! The intellectual occupies, alas! too small a part of nature to require much consideration; but wherever it can be developed, there must we look for the antagonist power to support and preserve.

Mental depression, that fertile source of disease, must early affect the imprisoned libertine. He who was the most free is now watched closely as a child; his every act canvassed; his every look interpreted; while his demeanor is to be changed from the pertest daring to the most respectful submission; and all this under the fear of the black-hole or the lash.

So much for the mental condition as productive of disease. Now let us look to physical conditions. Bad diet and the tread-wheel have more to answer for, than those who watch their immediate application need be aware of. It is not immediately, but more remotely, that the evils so inflicted show themselves in the frame. Pulmonary phthisis is not always developed or produced by three or six months' torture; and hard labour under insufficient diet produces its pernicious influence on the organs connected with circulation, rather when the muscles are gaining their ordinary state, than during periods of heavy exertion.

We cannot be surprised, considering the sad combination of mental and physical evils which has until lately been presented by our prisons and houses of correction, that we have a criminal population prone to tubercular scrofula in every form; and it is gratifying to observe the Pentonville prison maintain most excellent health, under disadvantages which must have produced great mischief in any less favourably circumstanced institution for the detention of convicts during a period of eighteen months. The examination which is carefully made at Pentonville by Dr. Rees, though it may have the effect of enabling him to reject such cases as may show either general or auscultatory signs of phthisis, yet must of necessity fail to exclude from the prison many cases of incipient disease; and the more prone to phthisis the class under examination may be, the more frequently must such cases of incipient disease gain admission.

We could have had no right, therefore, to expect such good health at Pentonville, as among troops made up of men who are selected from a healthy class of society. The comparison

quoted above speaks volumes both for the separate system and the arrangements of Pentonville prison.

The precautions which have been taken at Pentonville in connexion with the subject of phthisis, to which we are about to allude, will, we believe, do much to reduce the number of cases of consumption among prisoners. An exciting cause has probably been removed, and incipient cases will now, it is to be hoped, go through imprisonment without showing symptoms of the disease.

Our medical readers would do well to consult an able article which appeared some months ago in the "Quarterly Review," entitled "Pentonville Prisoners," from which Mr. Field makes the following extract:

"Striking has been the diminution of consumptive cases, from attention to suspicions as to their origin. From the opening of the prison to the termination of 1844, the annual mortality per 1000 from phthisis had amounted to 11.47.

"The physician, Dr. Owen Rees, suspected that the dusty trades carried on in the cells might have added to the chances of death by this disease. In 1845, measures were taken to guard against the supposed cause; in 1846, only four cases per 1000 of consumption occurred; and in 1847 (up to the 20th of October), there has not been a single death from this terrible scourge."

Since Dr. Rees's observations, the surgeon of Perth County Prison has drawn attention to this same cause for the production of pulmonary disease; and we have every reason to believe that separate imprisonment will now be even less noxious than it has been to health, inasmuch as the greater part of the deaths have been from phthisis, and the custom of working in cells probably renders dusty trades more dangerous in separate than in associated prisons. As regards the physical effects of the separate system observed at Reading, we will now quote the work before us:

"But beyond all evidence hitherto adduced as to the general healthfulness of separate imprisonment, that afforded by the records of the medical officers of Reading Gaol, as showing a contrast between former systems of punishment and that recently adopted, is most satisfactory.

"The following table represents all the cases of criminals under medical treatment during three successive years of the associated and separate system respectively:

| | Prisoners associated. | | | | Prisoners in Sep. Con. | | | |
|-------------------------------|-----------------------|-------|-------|---------------------|------------------------|-------|-------|---------------------|
| | 1840. | 1841. | 1842. | Average 3 years. | 1845. | 1846. | 1847. | Average 3 years. |
| Number of prisoners . . . | 720 | 633 | 665 | 672 | 683 | 664 | 877 | 741 |
| Cases of slight indisposition | 372 | 337 | 345 | 351 | 128 | 159 | 101 | 129 |
| Infirmary cases | 85 | 86 | 70 | 80 | 8 | 8 | 13 | 10 |
| Total | 457 | 423 | 415 | 431 | 136 | 167 | 114 | 139 |
| Cases of death | 12 | 4 | 5 | 7 | 1 | 1 | 1 | 1 |

This is certainly most satisfactory. It may be remarked, however, that the years 1840-1-2 quoted for the associated system, were not nearly such healthy years as 1845-6-7 quoted for the separate system. This fact, however, does not disturb the conclusion; the advantage on the side of separate confinement being far too great to be materially affected by such differences.

On the whole, it now appears certain that separate confinement, so far as physical conditions are concerned, must be looked upon as by far the safest mode of imprisonment yet devised for the punishment of criminals.

Let us now turn to the evidence before us respecting the mental effects of separation; and we cannot fail to be struck with the extraordinary contradiction, which close attention to the subject has enabled prison officers to give to the very generally prevailing opinion, that separation is productive of mental disease. The following is the report of a committee appointed in 1837 to inquire into the discipline of the Eastern Penitentiary of Philadelphia.

"An objection sometimes urged against the Pennsylvania system of discipline, is the supposed tendency of uninterrupted solitary seclusion to 'de-throne reason and make wreck of the immortal mind.' In this case, too, the committee had recourse to indisputable facts, and the veracity of recent evidence. A comparison of the registers of several penitentiaries of the United States will demonstrate the position that the Pennsylvanian prison exhibits as few (if not fewer) cases of mental derangement as any similar institution; indeed, no instance of insanity has yet occurred in the Eastern Penitentiary, which has not been traced to causes wholly independent of or either anterior or posterior to confinement.

In 1844, the Inspectors of the same prison state,—

"The hazard of stultifying the mind has been regarded as a possible concomitant of separate confinement with labour; the inspectors desire to record their conviction in regard thereto, that no case has occurred within their knowledge where such effects have ever been produced."

Several other extracts might be made from the work before us, reporting evidence highly favourable to the separate system. Passages are also extracted by the author from the reports of the officers of American prisons on the *silent* system, viz., the Auburn and Sing Sing Prisons; which contain evidence that insanity is not unfrequently observed in those institutions. To come nearer home, we find Mr. Perry, an inspector of prisons, reporting most favourably of separate confinement. He states—

"The places of confinement in the Southern and Western districts are eighty in number; of which seven are conducted on the separate system. In the year from 29th September, 1844, to 26th September, 1845, the daily average of prisoners in the whole eighty places was 4361; in the seven of the separate system it was 644. Thirty-seven prisoners were affected with

insanity, in nine of whom the symptoms first showed themselves during the period of their imprisonment; *but of these nine not one occurred in the seven prisons on the separate system.*"

Dr. Owen Rees, in a Report to the Commissioners of the Pentonville Prison, makes the following remark, which bears strongly on this important subject; inasmuch as it refers to the *general mental condition* of the prisoners under his observation:

"There is a general improvement in manner and address, indicative of intellectual advancement, very strikingly shown among the prisoners who have been longest in confinement; and an increased alacrity and desire to excel in work is, in most cases, the early result of this system of confinement."

The recorded experience of Pentonville, as regards the subject of Mind, is ably commented upon in the "Quarterly Review," in the article above mentioned. It is there shown that the amount of insanity observed among the Pentonville prisoners has been 1.48 per 1000; while it is 1.00 among the Dragoons in England, 1.43 among the troops in the Ionian Islands, 1.33 in Canada, 1.41 at Gibraltar; so that it may be fairly said that, "the prisoner under separate confinement suffers about as much as the soldier on the choicest spots of the Mediterranean or in the bracing climate of Canada."

The above return evidently refers exclusively to cases of severe mental disease, requiring removal to asylums. The Commissioners of Pentonville describe minor cases of mental affection as having occurred in their prison, and made the following remark:

"In many of the cases which occurred at Pentonville, the symptoms were no more than are frequently met with in private life, and were such as would probably have been overlooked, without that strict scrutiny to which the Pentonville prisoners have been subjected."

Such evidence as we have now quoted, is not only satisfactory as to the safety and advantages of the separate system, but it is most gratifying as the explanation of a fact for which we were at a loss to account, viz., the progress of the separate system in England, in spite of the efforts of most clamorous enemies. The friends of the system may be said to have remained silent; and even now that the good work is accomplished, they have merely adduced their facts, with only such conclusions appended as even the most fastidious will be puzzled to cavil at. This is a most encouraging instance, showing how the truth may possibly be obstructed, but never crushed; and that, however falsehood and error may obscure it, they act only as fertilizers to a seed which must inevitably produce a goodly and firmly-rooted tree.

We feel that, in merely noticing as we have done those

parts of the work referring to the more medical bearings of this subject, we have done but scanty justice to the volumes of Mr. Field. It may be allowable, however, just shortly to state, as it cannot fail to be interesting to all, that the moral advancement of the separated prisoners under Mr. Field's care has been most striking, and that *the recommitments have been comparatively few.*

Again, the Reports received by the Commissioners of Pentonville Prison from those who had charge of the convicts subsequently transported, have placed it beyond a doubt, that the separate discipline has produced a new class of men for our naval colonies, and a class much desired by the free colonial residents. Mr. Field gives also a most interesting account of the prisons of France and Belgium, and other countries less favoured by the impress of humanity. We cannot, however, forget the sickening account of the Bastille as among the curiosities of prison literature, and as rivalling the horrors of Russian and Italian brutality.

It is worthy of remark, that the severity of this punishment by separation was much dreaded by the criminal population before the Pentonville Prison was opened; and the evidence which has since been afforded to that class by the experience of their fellows, who have been subjected to separation, has by no means lessened the terror which was first inspired by a theoretical view of the case. This has an important bearing on the question of diet; inasmuch as prisons conducted on this principle may be very safely endowed with sufficient and wholesome diet, without any fear of candidates presenting themselves for confinement.

We mention this point as important, because it bears on the prejudices of those who are powerful, and not for any intrinsic importance which we ourselves are inclined to attribute to it. The fact will assume a value, according to the degree of anxiety the reader may feel, lest our population should be tempted into crime by the superiority of our prison fare; a fear which, we are happy to find, may now be alleviated, even in the minds of the most sensitive, by the application of the separate system. Mr. Stephens, Superintendent of Birmingham Police, deposes as follows on this subject: "Q. Have you much confidence in the effect of punishment in deterring people of the criminal class from committing offences?—A. By the separate system I think there is no question of it. Q. They dread it very much?—A. They do."

Captain Groves, Governor of Milbank Prison, says: "I think they look upon the confinement in Pentonville as a very severe confinement."

Again, the Ordinary of Newgate deposes: "The question is put to every prisoner who is committed to Newgate, whether

he chooses to be by himself or not, and we find that only one in one hundred chooses to be by himself."

We could not refrain from adverting to the question of diet in connexion with separation; because it appears to us that the relation which that system of discipline bears to the general question has not been so fully considered as it deserves.

In conclusion, we must congratulate our author on having laboured industriously and nobly in a noble cause. We do not agree with him in every thing, and more especially on the question of diet. In this respect, however, his opinions are countenanced, and we regret to say it, by many members of the medical profession; who we believe, have fallen into error by having taken a low view, not only of the subject, but also of their own position as the high priests of Nature.

It can scarcely be doubted that the separate system has already done much; and, under the guidance of such persons as Mr. Field, we may venture to entertain a hope that it is to become one of the most powerful instruments, which it has pleased the Almighty to place in the hands of men, for the reformation of the fallen.

ART. III.—*Penitentiary Habitations.*

[Under the above title, M. Levy, in his recent work on Public and Private Hygiene,* gives a summary, which one of our young friends has had the kindness to translate for the Journal. We introduce it here, as belonging to the literature of the subject; but not with a view of indorsing all the statements of the author, the inaccuracy of some of which will be apparent to the intelligent reader.—Eus.]

WHAT their health demands may be drawn from the conditions which we have stated, [aeration, ventilation, warming, and lighting;] what they are at present, statistics disclose. Our penitentiary establishments are, the prisons, the central houses of confinement and correction, and the galleys. The law has committed the duty of watching over the well-being of the prisoners, and of suppressing abuses which they might have to endure, to the care of the executive and judiciary authorities. The prefects, sub-prefects, mayors, and commissaries of police must visit, once a month, the prisons, and the houses of detention or of justice in their districts. Once a year, the prefect must visit all the individuals confined in his department; each magistrate once a month, and the president of assizes at each session. All these officers must transmit to the minister of justice the result of their observations. This repeated supervision prevents or puts an end to flagrant abuses, and assures the maintenance of law; but it does not remedy the latent

* *Traité d'Hygiène, Publique et Privée*—Tomes 2. Paris, 1845.

causes of insalubrity; the secret and daily influences which prematurely destroy the life of the prisoners, when the law only inflicts upon them the privation of their liberty and their civil rights. The prisons have undergone great amelioration; nevertheless, they presented not long since, even in Paris, the centre of civilization, a startling proportion of mortality, according to Villermé.

| | In 1815 to 1818. | In 1819 to 1827. | | In 1815 to 1818. | In 1819 to 1827. |
|-----------------|------------------|------------------|-----------------|------------------|------------------|
| Grande-Force, 1 | for 40.88 | 1 for 57.42 | Ste. Pelagie, 1 | for 24.48 | 1 for 48.50 |
| Madelonettes, 1 | 38.03 | 1 45.41 | Bicetre, 1 | 18.75 | 1 26. |
| Conciergerie, 1 | 32.06 | 1 45.41 | St. Lazare, 1 | 17.95 | 1 24. |
| Petit-Force, 1 | 26.63 | 1 36.76 | St. Denis, 1 | 3.97 | 1 5.64 |

The mortality in the galleys and in central prisons has been estimated according to the official documents from 1822 to 1837, by Chassinat. The annual liabilities to death, being compared to 1 in a free life, rise to 3.48 for those confined in the galleys, and in the central prisons to 5.09 for the men, and 3.59 for the women.

In the galleys the greatest liabilities to death exist from the thirtieth to the fortieth year of age; the greatest mortality occurs during the first year of confinement. The mortality of those re-imprisoned is to that of those imprisoned for the first time as 77 to 133. Fewer murderers than robbers die, and the latter live longer than those convicted of rape; the proportion is as 116 to 136 and 160. As regards occupations, the maximum of mortality occurs among the inhabitants of the country, the agriculturists, soldiers, marines, vagabonds, mendicants, and convicts who have exercised an active profession; then follow the liberal professions; the sedentary workmen, coming from the cities, are least liable to death: the ascending series for these classes is 121, 130, 132, 147, 151. In the three galley-stations of Brest, Toulon, and Rochefort the mortality is in the ratio of 100, 136, and 167. In these three it has, however, decreased; from 1822 to 1831 there was one death in 137; from 1831 to 1837 the mortality was decreased to 1 in 150.

In the central prisons the greatest liability to death is at the age of puberty; extreme old age is better off here than in the galleys; the maximum of mortality occurs among the men during the second and third years—from the third to the seventh with the women. The mortality of those re-imprisoned and of those imprisoned for the first time is in the proportion of 176 to 206 among the men, and 87 to 115 among the women. As it regards occupations, the scale of mortality in them is the same in the central prisons as in the galleys; but with this difference, that the least mortality occurs among the liberal professions. It varies also in different central prisons: in the prisons for men, the reports vary between the numbers 109 and 112, given by Poissy and Melun, and the numbers 240 and 284, by Gaillon and Eysses; in the prisons for women it

varies between the numbers 84 and 90, furnished by Loos and Fontevrault, and those of 158 and 193, given by Rennes and Limoges. In short, in the previously stated periods, from 1822 to 1831, and from 1831 to 1837, the mortality has decreased in the prisons for women, and increased in the prisons for men. The official statistics of France, from 1831 to 1835, put down the number of deaths in our nineteen central prisons at 5,410, in a mean population of 80,045 imprisoned; which yields the average of 6.75 in a hundred; that which was obtained by Monsieur Chassinat is 5.09 for the men. On the other hand, M. Benoiston de Chateauneuf, estimates the mortality of the poorer workmen in Paris at 1.57 in the hundred, (*Ann. d'Hyg.* Vol. III. p. 5); from which it appears that despite the ameliorations realized in the penitentiary system, the imprisoned have to endure a much greater liability of death. In 1829 M. Villermé estimated that captivity abridged life from 17 to 35 years [35 to 17 years?]; M. Ch. Lucas assures us, that in the actual state of our central prisons, an imprisonment for ten years is equal to about five-sevenths of a sentence of death. (*Theory of Imprisonment*, Vol. III. p. 26.) Certain publicists do not trouble themselves about these results: M. de Tocqueville remarks that a prison is not a hospital, and that criminals are imprisoned, not for their accommodation or health, but for the purpose of punishing and reforming them. M. Moreau-Christophe goes even farther, and says: "All that one can or ought to expect of a prison is, that it does not actually kill the prisoner." In order to punish the criminal, to correct him, and prevent the repetition of crime, he hesitates not to attach to prisons the strongest chances of disease and death. This doctrine appears to us cruel, rather than just; it gives to legal chastisement the character of vengeance: we ought to procure for the prisoners the means of moral regeneration, which are to be in harmony with health and the preservation of life.

There are two systems at present in vogue: 1st. The Pennsylvania system, or cellular seclusion both day and night. 2d. The system of Auburn, which enjoins cellular isolation at night, and work in common during the day, with obligation of absolute silence. The Swiss, the Belgians, the English, and the Scotch have adopted that species of penitentiary reform, the first idea of which originated with a philosopher and a priest, Howard and A. Mabillon: but these countries have combined in different ways these two systems, the direct and complete application of which have so far only taken place in America. Universal silence, based on the system of Auburn, is observed with difficulty: the reports presented by Messieurs Demetz, Cointlet, Crawford, Livingston, and Benoiston, (*Ann. d'Hyg.*, January, 1844,) show that this law is every where eluded; the mimic ingenuity of the prisoners supplies the place of the voice,

deceives the most assiduous supervision, and propagates, with as much rapidity as speech, the evil thoughts which spring up on their re-union. We are compelled to conclude with M. Moreau-Christophe, that where there is no individual separation there is necessarily collective corruption. Can we avoid this by grouping the prisoners in classes? This modification has been adopted at Geneva: the prisoners are there separated into four divisions, which are differently treated as regards their food, the free disposal of their earnings, and the degree of liberty granted them during their hours of working, &c. By this method of graduated punishment, the prisoners, even the most criminal, may obtain, by conducting themselves well, their passage into better quarters. Time has not yet decided upon the merits of this classification, so difficult to carry out in prisons more populous than those of Geneva. It is on the system of continued isolation, together with employment, that the partisans of penitentiary reform of the present day appear to rally. This reform cannot come from a workshop of prisoners.

"There are," says M. Benoiston, "only aversion and hatred for all law, all rule, all obedience. Every thought is a thought of vice, of revolt, or evasion." The life of seclusion can alone subdue the character of the criminal: it withdraws him from the desire of doing evil, and from the excitement of looks and gestures; he falls back upon himself, is disconcerted and cast down; the unhealthy excitement of his passions is subdued for want of nourishment: if he is not too much hardened, he will receive new impressions, and contrition will commence the reformation of his soul. But it has been urged, that this species of cellulation produces consumption, and destroys either reason or life. In the penitentiary of Philadelphia, [Cherry Hill,] Dr. Franklin Bache pointed out, from 1827 to 1836, 16 cases of insanity. In Lausanne, from 1834 to 1842, 31 prisoners have lost their reason, (10 of these had evinced signs of this disease before their entrance into the penitentiary;) but five had been deranged before their imprisonment, and ten others became so immediately after their separate confinement, their cases deviating but little from the category of hallucination. (Dr. Verdeil.) In Geneva, from 1825 to 1836, there were 15 cases of insanity among 329 prisoners; many of those deranged had manifested, before their confinement, an evident predisposition to mental maladies. (Coindet.) These facts are not sufficient to settle the question of the influence of cellulation upon the production of insanity: the published reports do not agree upon the limits to be placed between the cases belonging to and those not belonging to insanity; they have not equally taken account of their mental state anterior to their imprisonment, &c. There is the same want of definite documents upon the mortality attributed to the cellular

regimen: the inspectors at Cherry Hill, Philadelphia, estimate it at $2\frac{1}{2}$ per cent. from 1829 to 1837; the society at Boston at 3, and at 2 in the eight establishments pursuing the system of Auburn; it is 3 at Geneva, where the greatest number of prisoners are put in solitary confinement, and the same also at Berne, where they are engaged in working the fields. The variations in weight of the prisoners serve to show the modifications that their general nutrition undergoes under the influence of the system to which they are subjected; the weight of the body is a simple fact, easy to estimate, perfectly measurable. The weights taken, as far as known at present, are those of the house of correction in Devizes, (England,) and of the penitentiary of Geneva. (Marc D'Espine.) At Devizes the penal regimen consists in nocturnal isolation, and silent work during the day: the weighings which have been made there show that this establishment fattens much more frequently than it emaciates its tenants. On the contrary, M. Marc d'Espine has proved, as well by the comparison of the mean weights, as by that of the number made thinner and the number made fatter, that the penitentiary regimen of Geneva exerts an emaciating influence which is proportional to its severity. In the beginning it fattens more than it emaciates; this is because the prisoners have passed from the distresses of prosecution and sentence to a more equable and regular, though a more laborious life. In his researches, M. Marc d'Espine has attributed a part of this increase to the age [of the convicts.] As regards the seasons, he has noticed that the comparison of the augmentations with the diminutions of weight is the same in summer as in winter.* The facts go no farther. It is probable, nevertheless, that the employment of continual ventilation in the cells, a portion of corporeal labour, a longer time for walking, frequent conversations of the prisoners with their authorised advisers, their distribution into sets according to the appropriation of their alimentary regimen, &c., would have a happy influence on their general health, and would permit the adoption of the only system which allows us to hope for the moral reform of the prisoner. Nevertheless, let no one flatter himself that he can make the chances of health and mortality equal in a free life and in a life of confinement. One cannot, with impunity restrict, within the close dimensions of a cell, the field of locomotion, a range of vision, and independence of action.

The privation of air and of movement, added to that of liberty, makes life in a prison an unnatural one; the bandits, the criminals, and vagabonds who are imprisoned, resemble the savage animals which have just passed into a state of captivity; to violent exercise, hazardous enterprises, passions, orgies, dances, and pleasure, follow solitude, cessation of mo-

* *Annales d'Hygiene et de Medicine legale*, t. 32, p. 70.


tion, the prospect of punishment more or less prolonged, and the pressure of fatality under the form of law. Ought we then be surprised if among prisoners the diseases are of a more severe character and the results more fatal? (*Gaz. Med.*, April, 1844.) Pulmonary consumption, above all, decimates them, without our being able to refer this more particularly to the obligation of silence, or to the want of exercise in the open air, to the vices of solitude, or to the moral consumption of regret, of ennui, and remorse. However carefully we may avoid the aggravation of legal punishment, we shall never be able, to reduce the number of deaths in a prison to the same number as in a life of liberty; and the question of public hygiene to which their reform gives rise, is convertible into the following proposition: Does the mean mortality of the cellular system exceed that of the common prison and of the galleys? The trials which are about to be made in France will furnish, in a few years, a solution of the problem.

ART. IV.—*A Problem to Solve.*

THERE is reason to believe, that the darkest shades of the picture which is sketched below by a London journalist, might not be out of place in a representation of more than one city in the United States. He says:

“It is idle to talk of secular education—it is idle to talk of religious instruction, while the great mass of the people have no homes. How are we to teach, how are we to instruct; what can the school-master achieve, what the preacher, when the intellects which the one would elevate, and the hearts which the other would teach, are left to the cruel training of the streets? Thousands and tens of thousands of our children have no other education, no other Christianity, than the education and Christianity of the pavement. The hard flag-stones are their text-books; the foul gutter is their Pierian spring. They lisp blasphemy and indecency; they take God’s name in vain before they know the meaning of the words they utter. Savages in the midst of civilization, they are more irreclaimable than the savages of the wild and the desert. It is the want of a home that has made them so. They are hardened, because from their very infancy they have been environed by indurating circumstances. Within the softening influences of domesticity it has never been theirs to abide. They have been turned adrift when scarcely able to walk unaided. Another infant has taken its place at the mother’s breast; and the child of two years has made acquaintance with the pavement. And so commences the out-of-door education, which fills our streets with profligate women and thieves.

ART. V.—SHORT NOTICES.

(1.)  **TO OUR READERS.**—The Committee appointed by the Society, to take the editorial charge of the Journal, would make a few explanatory observations, both in justice to themselves and to their predecessors.

They occupy their present position by an extension of the popular doctrine of rotation in office. In their case, it is rotation in labour, also; the office bringing with it neither station nor emolument. Under such circumstances, it will be readily understood, that the zeal with which a person or persons may engage in a task like the present one, cannot be long proof against the urgent and proper claims on his or their time and attention, in their regular business,—that by which they support themselves and their families.

The editorial Committee are as much under the daily pressure of these claims, as the great majority of their fellow citizens; and hence the sincerity of their intentions, in accepting their present office will not be called in question. If their ability to discharge successfully its duties, were equally evident, they might look forward with more confidence to the result of their labours than they dare now entertain. Be this as it may, however, they feel themselves bound, so long as they are intrusted with the charge of the Journal, to do their best in filling its pages with appropriate matter, and in bringing it out at the regular, stated periods.

The recency of their appointment, and their desire to comply with the wish of the Society, that the first number of the new series of the Journal should be issued at the beginning of the year, have prevented the Committee from collecting and arranging, for publication, various statements and incidents of home origin, relating to penitentiary reform and the causes and prevention of crime. They may add, in conclusion, that they have already on hand, materials of a kindred character, illustrating the state of things abroad; but these are excluded from the present number by the narrow limits to which the Journal has of late been restricted.

No. 2.—*New Plan of Prison Discipline.*

WE notice, in a cotemporary journal, that a new scheme of treating convicts has been commended to some of our citizens by an English gentleman, who expresses great faith in its feasibility and success. We have to be rather cautious in our phraseology, for we can hardly suppose the idea of *punishment*, or even discipline, to be fairly involved in the plan, so far as the details have come to our knowledge. We all know that *correction* (or the making right what has been wrong) is one important design of a penitentiary. *Discipline* (having for its leading idea the instructing and regu-

lating of the ignorant and wayward) is another design; but there is no such thing as *punishment* without the infliction of pain or suffering. Punishment may and should include both discipline and correction; but there may be discipline and correction without punishment. For want of a due observance of these distinctions, we may be betrayed or betray others into serious mistakes.

The new scheme of prison economy, as it may be called, is presented to the public as follows:—

“First—That the duration of sentences be measured by labour and good conduct combined, with a remuneration for time.

“Second—A proportion of work performed, according to the amount to be credited to the convict, and a moderate charge to be made for provisions and other supplies, and a moderate fine added for misconduct; and the clear surplus, after all deductions, to count toward his liberation. Thus, by making him feel the burden of its maintenance, it is sought to place his fate in his own hands, at the same time training him in habits of prudent accumulation.

“Third—That in order to strengthen these moral checks, the prisoners be distributed into small parties, with common interests, and that pains be taken to cultivate kindly and social feelings among them.

“Fourth—That when moral impulses are partly established among them they be confided in, and as little force as possible be used in governing them.”

We are not prepared, at this moment, to comment on any feature of the training process, though it obviously involves an entire revolution in the principles on which the penal system of all Christendom now rests. We may possibly advert to it hereafter. We cannot dismiss the subject, however, without calling the attention of our readers for a moment to some of the views reported to have been expressed by the English gentleman, introducing the new theory to public favour.

He speaks of “the unhappy ones whom the eddies in the stream of Fate have left as outcasts upon its banks.” It will be a long time, we apprehend, before the sober-minded, intelligent citizens of these United States, will regard a man who makes spurious money, steals a horse, sets fire to a dwelling, robs a defenceless traveller, or commits wilful murder, as a poor shipwrecked mariner, who would gladly have pursued an honest voyage, but the winds and waves insisted upon throwing him on shore. The plain truth is, that he left the ship at the risk of his life, and swam ashore because he was weary or impatient of the regulations which were indispensable to the prosecution of the voyage, and regardless of the safety and comfort of the passengers and crew. Nor can any vessel be expected to receive him again till he is made to feel that suffering is inseparable from sin; and then, if he is disposed to cease from sinning, he may be released from suffering, and restored to the place which he voluntarily forfeited.

The English reformer pleads, too, for “sanitary reform, education, religion,—every thing that can tend to make men more healthy, more intelligent, more religious;—in a word, every thing that tends to promote human happiness and welfare, physical and moral, is a proper agent in the prevention

of crime ; and until all these have been developed to their full extent and found to fail, we have no right to adopt the jargon so much in favour with some writers on this subject, and call punishment a 'necessary evil.' " We presume no one will deny the virtue of the preventive measures above enumerated ; but whatever their inherent efficacy may be, so long as their employment is entrusted to imperfect human beings, in a very imperfect state of society, it will be long before they are so fully developed as to make old-fashioned punishment an unnecessary evil.

Our English friend boldly (we do not say how justly) charges upon society itself a large share (and " fate," probably will take the rest) of the guilt of those whom its laws punish ;

" See, said he, that unhappy criminal who now stands at the bar of earthly justice, awaiting with dogged and sullen obdurance the sentence which is about to pass the judge's lips. In his early years that poor wretch never knew the tender influence of a mother's fostering care. His parents lived among the miserable haunts of poverty, and, debased and brutalized by the influence of vicious association, no kindly hand was stretched forth to rescue him from the contamination of evil company, &c. He trod that path of crime whose termination is in the felon's dock, and now stands to receive the sentence from the State which receives a revenue from the dram-shops which wrought his ruin."

We cannot but regard this picture as quite fanciful, unless, indeed, the original may be found in the painter's native land. In our country it is a very rare thing indeed to find a man in the penitentiary to whom no kind hand was ever stretched forth, to rescue him from the contamination of evil company. In all the weary walks of Christian visitors, tract distributors, Sunday-school teachers, friends of temperance, and ministers of religion, it is scarcely credible that such a statement can be truly made of one in a hundred of those who stand in the "felon's dock." Their own lips will almost always confess (and sometimes, we trust, with an honest and sincere sorrow) that they have deliberately spurned every restraint which the good will of others would have imposed upon them, perversely turned their backs on the means of instruction and safety, and voluntarily plunged into the dark abyss of pollution and guilt. We do not say that for this or any other cause we are to diminish aught of our sympathy for them, or of our efforts to restore them from the deepest degradation in which any of them are ever found. That we are not where they are, we owe not to fate nor to accidental circumstances, but to the restraining grace and kind providence of our heavenly Father. But to relieve them of the burden of guilt by casting it on the neglects or inconsistencies of society, is grievously to wrong society, without subtracting a tittle from the actual and conscious ill-desert of the criminal.

" Or glance," he says, "at that diseased and bloated female, in whose features it is almost impossible to trace the lineaments of Woman: once she was a young and gentle girl, the pride of a happy home, the darling of her parents' hearts. In a moment of too trusting confidence, she erred, she was betrayed, and from that hour the gates of hope were closed against her, and the world frowned upon her as an eternal outcast from society—while

the virtuous Cynics who barred to her the door of return to virtue, welcomed to their hearths the villain who had caused her ruin."

All this may be so, but there are thousands and tens of thousands in humble life, and in the daily endurance of pinching want, who are tempted but not betrayed—who see the serpent among the flowers and fly, while others stay and suffer themselves to be beguiled. Society may be very wrong, but it is not going to lock itself up in separate cells, and let the thieves and counterfeiters and pirates and courtezans have the key. Its laws are wholesome and reasonable—its penalties are mild, and nothing in the letter or spirit of them can justify harshness or severity in their infliction. Those who violate them must expect to be punished; and to withdraw positive pain and suffering from punishment is to deprive the laws of their sanction, and thus virtually to bring them into contempt. Let us beware of this.

No. 3.—*By-laws of the Maryland Hospital, and Acts of Assembly relating thereto.* Baltimore, 1848. 28 pp., 8vo.

This pamphlet contains the statutes, by-laws, &c., for regulating the Maryland Hospital. In 1839, thirty thousand dollars were appropriated by act of Assembly, to making such improvements in the establishment as should fit it for exclusive use as a lunatic asylum. And it was provided, that one half of the accommodations of the institution should be for pauper lunatics, the expense of whose keeping should not exceed \$100 per annum. Provision was also made for assessing counties, to pay for the removal of their lunatic paupers, and for the determination of the question of insanity in the case of paupers, and also, in the case of persons charged with crime and pleading insanity. By a report of a visiting committee of the House of Delegates, made in February last, it appears that there were then 122 patients under treatment, sixty of whom were paupers, and the rest private pay patients. The same committee reported, at the same time, under another order, that they visited the Maryland Penitentiary, where they found sixteen insane or idiotic persons in confinement, and three of whom required actual confinement, the rest being able at times to work. But what to do with them, the committee could not tell, as the Hospital had as many as it could hold. The committee "state with regret, that some of the inmates of the Penitentiary have been convicted and sentenced when in a state of idiocy."

No. 4.—*Memorial soliciting a State Hospital for the protection and cure of the Insane, submitted to the General Assembly of North Carolina.* Nov., 1848. pp. 48, 8vo.

THIS document was prepared by Miss Dix, to whose persevering labours in behalf of unhappy sufferers of this class, the people of Pennsylvania

are not strangers. It contains a fund of information respecting the forlorn and revolting condition of the insane poor of North Carolina, much of which has been obtained by her personal visit to, and inspection of the places of their abode. There are upwards of "one thousand insane epileptic and idiot creatures." "A large proportion of them are found in or near private families—few by comparison, being sent to Northern or Southern State Hospitals, and yet fewer detained in prisons and poor-houses. Yet so many are in these last, and so melancholy their condition, that were the survey taken of these cases alone, no stronger argument would be needed to incite energetic measures for establishing an institution in North Carolina, adapted to their necessities, and to the wants of the continually recurring cases which each year swell the record of unalleviated, unmitigated miseries. It will scarcely be believed, (were not the testimony unimpeachable,) that such scenes of cruelty and suffering as this memorial presents, are tolerated in any Christian or civilized land. So it was said, when the torments of the insane in the gaols and poor-houses of our Northern States, were first revealed to public view. The greater wonder now is, that being revealed, any Christian or civilized community can delay from year to year to provide for their relief."

We understand that efficient measures have been adopted by the Legislature, to whom this memorial was addressed, to secure the erection of a State Hospital for the insane poor. We hope the "sunny south" will set a bright example of promptness and activity in carrying into effect this benevolent provision; and that the effect will be to melt the people of the iron and coal regions of the north, into a like tender and active sympathy for their suffering and insane poor.

No. 5.—*Moyamensing House of Industry.*

MOYAMENSING is well known as an incorporated district, on the southern border of Philadelphia city (proper), and as having within its limits a full share of the poverty, wretchedness, and guilt of the county. The spirited efforts of a few persons have resulted (as the public journals inform us) in the erection of a plain brick edifice, sixty feet long, and four stories high, containing, (1.) a soup-house; (2.) a dispensary (each under a distinct organization, and with a separate board of managers); (3.) bathing apartments, with marble tubs for hot and cold water, with soap, towels, &c., &c.; (4.) a steam boiler capable of heating 1500 gallons of water, and also, of cooking soup for 1500 persons, and supplying heat and warmth to the whole house; (5.) a spacious workshop, where the inmates are employed in cutting and sewing rags—making mats, &c., &c.; and (6.) a school-room large enough to accommodate 85 or 100 scholars. In the fourth story are ten separate sleeping-rooms, plainly furnished, well heated, and ventilated, and under a lock and key, which are reserved for the respectable poor who

have seen better days. Water and water-closets are also provided on every floor. Public ceremonies, appropriate to the opening of the institution, occurred on New Year's day.

No. 6.—*Philanthropic Institutions in New York.*

LATE official documents inform us, that the number of patients in the State Lunatic Asylum, at Utica, (December 1, 1848,) was 495, which is nearly its full complement. In the six years of its service, this asylum has received 2,014 patients, and discharged 814 of them cured. Who can estimate the value of a public charity which effects such a relief of human suffering as this?

In the Bloomingdale Asylum, which is under the charge of the officers of the City Hospital, the number of patients, (Dec. 1,) was 120.

In the Deaf and Dumb Asylum, there were, (Dec. 11,) 223 patients, nearly 200 of whom were beneficiaries of the state or city.

In the Institution for the Blind, there were, (Dec. 6,) 115 pupils; of whom 108 were supported at the expense of the state of New York, and seven at the expense of New Jersey. A legislative grant, of \$15,000, has lately been made for the erection of a building for the employment of blind persons who have acquired a trade, and only need oversight and direction to enable them to earn a living.

The New York Hospital received between January 1, and November 30, 1848, 3178 patients; of whom, 2155 were discharged, cured.

No. 7.—*Massachusetts State Reform School.*

THIS institution, projected some two years since, and endowed at the outset with the munificent donation of \$20,000, was opened with appropriate ceremonies on the 7th of December. It is located in the flourishing agricultural village of Westborough, about three miles north of the railroad route from Worcester to Boston, and is of course quite accessible from any part of the State. The farm contains about two hundred acres, and the institution is designed to accommodate three hundred inmates. Twenty-three were received at once.

The opening of the institution was attended with interesting services.—The Governor was present, and took part in the exercises, and an address was delivered by Judge WASHBURN.

"The orator" (says a cotemporary journal) "sketched the various improvements in criminal jurisprudence, from the time of Blackstone, when about 160 different offences were punished as capital, down to the present period, when the reformation and salvation of the offenders, especially of young culprits, are coming to be regarded with equal interest with the economy and security of the public.

"He alluded to the beauty and sublimity of wise laws, established by public consent—omnipotent in influence—yet so mild in operation as hardly to be perceived, till resisted—and, like judicious parental authority, designed to bless, reclaim, and save the disobedient.

"The fate of the offending child, *for eternity*, might depend on the manner of punishing or restraining, whether in manifest love or unhallowed passion and vengeance.

"Here was an institution, he said, for offenders under sixteen, in a remarkably moral and healthy region—sequestered from the contaminations of rum, tobacco, theatres, oaths, impure air, rags, &c.—furnished with ample gardens, farms and workshops—surrounded with prospects well fitted to raise the mind to the beneficent Creator—and supplied with superintendents, men of wisdom and piety, who would habitually bring the very best appliances of knowledge, religion, industry and kindness to bear on the heart. Such an institution, surely, every philanthropist, every wise citizen would bid '*God speed!*'

Gov. Briggs referred with appropriate and touching eloquence to the unknown gentleman whose munificence had led to the purchase of those grounds, and the erection of this crowning ornament of the State of Massachusetts; and the probable happy state of his heart, beating in unison with the eternal source of good, contrasted with that of the political aspirant, or the devotee of wealth clinging to perishing idols till separated by death.

"He also stated some very remarkable circumstances connected with the recent establishment of an institution for similar objects in another state by a *widow lady*—who, in the face of obloquy and ridicule, rented a house, advertised for juvenile delinquents, received eight or ten, and enlisted the generous sympathies of the good to provide accommodations for eighty or ninety; at the head of whom, in the capacity of a most intelligent steward, was one rescued *by herself* from prison, on his giving bail for his good behaviour!"

No. 8.—*Philadelphia House of Refuge for Coloured Juvenile Delinquents.*

THE corner-stone of this edifice was laid in July last, and good progress has been made towards its completion the past season. The exterior wall is nearly completed—one of the principal shops built, and the main buildings, for the accommodation of 300 subjects, (206 males and 94 females,) roofed, slated, and partially floored. If there is no delay in consequence of the narrowness of means, the institution can be open for the reception of the objects of its care in the course of the current year. It is scarcely to be supposed, that the execution of a project so deeply involving the interests of our community, can be suffered to linger a day from any such cause.

No. 9.—*Transactions of the Acting Committee of the Philadelphia Society for the Alleviation of the Miseries of Public Prisons.*

THIS Committee meet regularly once a month, and receive reports from the standing committees appointed to visit the Eastern State Penitentiary

and the County Prison. Their reports embrace the number of persons received and discharged during the month, the general state of the prisoners, and any particular matter connected with the care, discipline, and economy of the institution. They sometimes bring to view cases requiring investigation, and instances are not unfrequent in which the prompt interposition of the good offices of the Committee has been the means of relieving needless suffering and preventing much evil.

Among the topics recently presented for inquiry and discussion, we may mention the following:—the condition of prison labour in the United States; the nature, extent, and results of moral and religious instruction in our prisons; the alleged infractions of the law of Pennsylvania, requiring executions to be private; the state of County prisons, and the best means of securing their re-construction on the separate principle; the organization of State and County societies for the advancement of prison improvement, &c., &c.

At a meeting of the Society recently held, very interesting statements were made by Judge KELLEY and others, respecting the condition of several County prisons in Pennsylvania. They will probably be embodied at some future time in a general report on the subject, the materials of which it will require no little time and pains to collect. Much misapprehension prevails on this subject, and will continue to prevail until the attention of our legislators and judges can be more generally awakened to its importance. They do not at present know how large a portion of the bad men, whom their acts condemn to prison, are made still worse; nor do they always realize how much faster and freer a rogue runs to injure the community than a constable runs to protect it and catch him.

At the last meeting of the Committee the draft of a report of the doings of the year was presented. It furnishes a synopsis of the labours of the various sub-committees, and shows the extent and variety of the claims which our prisons make upon the attention and kind offices of those who are willing to labour for their improvement.

No. 10.—*Education of Idiots.*

To M. Ferrus belongs the honour of being the first in France to direct his attention specially to idiots, with a view of conferring on them some of the benefits of education. It was in 1828 that he organized a school at Bicetre for the idiotic children, and adults also, who exhibited any germs of intellect. He succeeded in imparting to them habits of order and of labour, and some knowledge of reading, writing, and accounts: he engaged them also in gymnastic exercises, and in this way kept them constantly under the eyes of the local administration.

In 1830, M. Voisin published an essay on this class of unfortunate beings, and asked for them the benefits of a special education. In 1831, M. Falret, at Salpêtrière, (the hospital and infirmary for insane females,) had estab-

lished an elementary school, consisting of eighty idiotic, chronically insane or imbecile persons, taken out of a collection of four hundred suffering under mental derangement. Somewhat later, this gentleman organized a school for those affected with insanity in its acute form, composed of about eighty scholars, selected from two hundred insane persons. In both instances his efforts were successful.

In 1839, MM. Voisin and Leuret, when entering on the duties of their office at the Bicetre, organized, on rather a large scale, a system of instruction and education adapted to their unfortunate patients. Anterior to this period, or in 1833, M. Voisin had arranged a separate service for idiotic children at the Hospice of the *Rue du Sevres*, and in 1834 formed a private establishment for these persons. Advantageous mention is made of the labours of M. Seguin in this field of benevolent efforts.*

M. Voisin's establishment, situated within a quarter of an hour's drive from Paris, is particularly destined, as M. Marc describes it, for those children who, in boarding-schools and colleges, either by their natural or acquired peculiarities, evade or are abstracted from the influence of ordinary methods, calculated for the common, every-day dispositions of those who are sent there for instruction. The children who, in M. Voisin's opinion, require an orthophrenic treatment, may be divided into four principal classes:

1. In the first class are included those children born with poverty of mind, that is, with a cerebral organization below that of the ordinary standard of the species. 2. In the second class are found children, born *like nearly all others*, (*nés comme tout le monde*,) possessing an average organization, but to whom an illy-directed primary education has imparted a vicious direction. 3. The third class comprises children born after an extraordinary standard, (*nés extraordinairement*.) Fashioned by nature in the grandest proportions, they form either great men or great criminals, according as the concurrence of circumstances is favourable or unfavourable, under which the earlier years of their life are passed. Finally, the fourth class is composed of all those children who, *born of insane parents*, are from birth predisposed to insanity or some other affection of the nervous system.†

Schools for the education of this class of unfortunates are now established in Prussia, Hamburgh, Switzerland, and Great Britain, with results delightful to every humane mind. In South Boston, Massachusetts, a school has recently been begun under the care of Dr. Howe, in which several idiots are taught by Mr. J. B. Richards. We must express our hope that Pennsylvania, seldom backwards in devising and carrying into operation measures for the relief of suffering in all its forms, will soon have her schools for the education of idiots. To raise our fellow creatures from mere animality, brutification in fact, to the manifestation and exercise of intellect and moral sense, and to open their once dimmed faculties to a perception of the beauties of nature and their relations to the world around them, is indeed a noble, a heavenly office.

* For interesting details of the plans successfully carried out at the Bicetre, for the physical and intellectual education of idiots, the reader is referred to different numbers of *Chambers' Journal*, and to *Littell's Living Age*, for 1847 and 1848.

† *Bulletin of Medical Science*. 1843. By John Bell, M. D.

No. 11.—*The Nineteenth Annual Report of the Inspectors of the Eastern State Penitentiary of Pennsylvania.* 1848. pp. 48.

ALTHOUGH the report for 1848 will soon be forthcoming, we cannot refrain from a pleasurable exercise of our editorial duties in noticing that for 1847-8, the title of which we have just given. The inspectors, after referring to the apparent unanswerable arguments which have so frequently been employed in defence of the separate system, add "the expression of their unanimous belief in its superiority over all the systems of penitentiary punishment." Seasonable suggestions are made on the duration of the imprisonment; the official experience of the Board of Inspectors being, that a sentence for too long a period is as objectionable as one too short. The policy of discriminating between felonies and statutory misdemeanors, and their punishment, is deemed worthy of the consideration of the legislature. A tabular statement of the offences and terms of sentence of prisoners in the Eastern State Penitentiary, in 1847, is next presented. We wish that we had room for its introduction in our present number; as well as for that of another table of the deaths in the prison for a period of six years, or from 1842 to 1847, both inclusive.

"It is cause for congratulation that, during the year, 14 more prisoners have been discharged than received, although 7 more were received during the past year than in the year 1846. It will be observed that only 124 prisoners were sent to the Penitentiary, from all the counties composing the Eastern District, the population of which is about one million,—a fact which speaks loudly in favour of the moral and intellectual condition of the people of the State.

"By the accompanying table of re-convictions, it will be found that, during the past year, there were only 5 second convictions; 2 third convictions; and 1 fourth conviction—out of an aggregate of 124 prisoners."

Touching the reform of prisoners, we learn that, "within the last nine years, 136 prisoners have been discharged, who gave every reason to believe that they intended to lead correct lives; and that the influence of their imprisonment has been salutary. Of these, information has been received from 84, showing that they have been able to resist temptation, and live honestly and usefully to themselves and to society." From 54 no information has been received; but as they have been out of prison from 3 to 8 years, the inference is in favour of their doing well.

The Board desire to call the attention of the Legislature to the propriety of increasing the amount of the appropriation for discharged prisoners, who come from other counties than Philadelphia.

"The administration of the discipline of the Penitentiary devolves on the Warden, Physician, Clerk, Moral Instructor, Matron, fifteen Overseers, and three Watchmen."

Since the date of the last report, W. A. Porter, Esq., has been appointed

one of the Inspectors, in the place of General Robert Patterson. The Board now consist of Matthew L. Bevan, Thomas Bradford, John Bacon, Richard Vaux, and William A. Porter, Esqs.

The Report of the Warden contains an account of the cost of materials, and products of labour in the prison; a table of the places of birth of the 124 prisoners received during the year; the crimes of which they were convicted; their state of education; domestic relations; ages; habits; and colour; together with the re-convictions; duration of their sentences, and their occupations. We find, also, statements of the number of prisoners received since the admission of the first prisoner, October (10th Month,) 25th, 1829, to the present time; and their ages by decades. About one half, or 1139 of the entire number, or 2300, were between 20 and 30 years of age. Then follows a specification of the crimes, and the places of nativity of the prisoners during the whole period.

Dr. Given, the resident physician of the Eastern State Penitentiary, has given additional value to his Report, by a series of tables of the state of health, the infirmities, diseases, and fatal cases among the inmates of the cells; with a specification of, respectively, the whites and the coloured prisoners. We observe, also, a separate table of the cases of insanity that have occurred during the year 1847, in the prison. The mortality was less than any previous year since 1842. Dr. Given expresses his belief "that without, in the slightest degree, encroaching on either the letter or the spirit of the discipline we employ, it is within the power of hygiene permanently to reduce our mortality to a standard even lower." The means for this purpose are, architectural changes, and modifications of discipline.

Dr. Given's remarks on the necessity of a mutual understanding among the medical officers of penal institutions, as to what constitutes insanity, are called for by the discrepancies existing on this point. He reiterates his former opinion, that there is little chance for prisoners who become insane, being restored to reason while subjected to the discipline of a penitentiary. He invokes, through the Board of Inspectors, the action of the Legislature, (as the Board had done in their report,) in favour of a State Lunatic Asylum. The measure now in progress, will, we hope, before long, gratify the friends of humanity in this respect.

On the subject of hereditary transmission, Dr. Given makes the following remarks:

"Pursuing my inquiries respecting the existence of insanity in the families of the prisoners admitted during the year, I find that twenty have had relations victims of that disease, bearing the following degrees of consanguinity:—parents, 3; grand-parents, 1; brothers and sisters 4; uncles and aunts, 8; cousins, 4."

A proper and humane suggestion is made respecting the sentences of coloured prisoners being for a shorter period than at present, on account of their less ability to bear confinement than the whites, without great deterioration of their health. Modifications might also, Dr. Given believes, be made according to the different domestic and social ties of the prisoner.

We learn from the Report of the Moral Instructor, that during the year, the number of religious exercises has been two hundred and seventy-four. These, distributed through six corridors, average forty-six to each. In those containing the greatest number of prisoners, there have been services equal to the number of Sabbaths in the year.

"The usual amount of instruction by visitation has been given. The number of visits, regular and occasional, is three thousand two hundred and eighty. About 30,000 pages of tracts have been distributed, containing a variety of useful and enlightening matter.

"Additions to the library of the Prison Discipline Society are constantly being made—more than sufficient to repair the losses by books worn out. Some of a valuable kind have been added to the Bacon Library. The number now in circulation is equal to sixteen hundred volumes. In addition to these, there are nearly a thousand books of elementary instruction in constant use among the prisoners. No Bibles have been obtained from the City Bible Society, the supply being adequate to our wants; but eight copies of large print for the use of the aged have been furnished by the Warden."

No. 12.—*Penitent Female Asylums in Philadelphia.*

Among the efforts in Philadelphia for degraded and fallen women, we may mention,

1. The *Magdalen Society*—which has been established nearly fifty years, and has had under its care 850 females, nearly 300 of whom have been, to all human appearance, radically reformed. The number of inmates at the date of the report for 1847 was twenty-three, and there were admitted during the year 1847-8, thirty-one—making fifty-four inmates in the course of the year. Of these eleven were dismissed at their own request; a like number were discharged for insubordination; five were restored to friends; and nine were supplied with places as domestics in respectable families; thirteen only were in the asylum at the date of the last report, though ample and comfortable accommodations are provided for many more. It is to be hoped, that while so many thousands need the advantages of such an asylum, its vacant apartments will not long remain unoccupied. As a means of increasing the usefulness of the institution, the Managers propose to employ a suitable person to visit the abodes of these wretched sufferers, and at least acquaint them with the existence of a refuge, and with the welcome which would meet them at its door.

2. The *Rosine Association*—was organized in the spring of 1847, and opened their house for the reception of inmates in the ensuing October. Among the earliest measures of the Managers of this charity was, the appointment of a committee to visit the houses where the unhappy objects of their sympathy abide. Their visits were generally received with kindness and respect; and they report, as the result of their observations, that ignorance and

the want of proper moral and religious culture and wholesome restraints, have been the fruitful cause of the demoralization of the young, while to those more advanced in life have been added the low price paid for women's labour, and the general prevalence of corrupting and debasing influences in some localities of our city. They speak of having "visited, in one square, thirteen houses—in another neighbourhood, nine houses in half a square, and within a short distance, in a block of one quarter of a square, fourteen houses,—in all of which young, unfortunate, and degraded females reside; and in most of them the bottle, with its poisonous draught, is the daily companion, sinking them lower and lower, by increasing their debasing habits, till their short and sad career is closed in the almshouse or in the prison."

Upwards of three hundred persons were reported as members of the Society in April last, and twenty-five persons had been received under its care previous to October 7th, of whom fifteen remained in the house at the date of the last semi-annual report. Four evenings of the week are devoted to the instruction of the inmates in useful learning, and fourteen of the forty women received into the house did not know how to read when admitted. The annual expenses of the house are estimated at \$1600. The managers have received some women "who had been inebriates," but have not been in habits of licentiousness, and also "young girls, who were in imminent danger of being drawn into a course of vice." The mingling of the three classes, here mentioned, must be attended with hazard, which, we think, should not be incurred without stern necessity.

The semi-annual report of the Managers contains an interesting account of a visit paid by one of their number to similar institutions in other cities, which gives a sad picture of female guilt and degradation.

No. 13.—*Report on the Infant Industrial Schools of Tuscany.*
By SIGNOR ENRICO MAYER, of Milan.

[*Read before the Statistical Section of the British Association at Cork, Aug. 21st, 1843.**]

THE first infant schools, or, as they are there called, asylums, established in Tuscany, were opened simultaneously in Leghorn and Pisa in 1833. A third was soon after opened in Florence, and the example then was generally followed. They are supported wholly by voluntary contributions, and consequently their increase soon reached its furthest limit. There are now twenty of those infant schools, with 2000 children. The annual expenditure comes to about 1*l*. sterling a child, house rent, servants' wages, teachers' salary, and soup, being all included. The management of these schools generally rests with committees of ladies, who take by turn the duty of inspection; the remarks written in the inspectors' book become the subject of deliberation at the monthly meeting of the committee. The infant

* Journal of the Statistical Society of London.

schools of Tuscany are intended for the poor, and are entirely gratuitous. They are generally divided into two classes, having each a separate room, and a separate mistress. The first class contains children from eighteen months or two years to four or five years old. The second class contains children from four or five to seven or eight. A play-ground is attached to every asylum, and the children perform easy gymnastic exercises, which, however, do not interfere with their own choice of amusements. The introduction of manual works in the infant asylums in Italy, constitutes one of the chief differences between them and similar institutions in France or England, and experiments are now making to continue the habits of early industry thus acquired, by procuring some work in the primary schools. A committee of tradesmen and artisans forms part of the society for infant schools at Florence, and they are to provide the children with some easy work, and facilitate afterwards their being employed in the exercise of different arts and trades. Linear drawing and the rudiments of geometry and mechanics are taught in the superior classes, but confining the instruction to that which can be of use in the exercise of every mechanical profession without having any one particularly in view. It is anxiously desired that the manual work of the children should be of a nature to be carried on individually, so that the social element of family life should continue undisturbed among them, and the infant population should be preserved as long as possible from the infection of factories. Instruction is much less the education the object of these infant asylums; these are made as much as possible conducive to moral training, and this by the most simple and gentle means of a maternal guidance. In the school room the children pass through a series of exercises calculated to develop their mental and bodily faculties without tiring them. They are never kept sitting for more than a quarter of an hour at a time. The religious instruction of the children is directed by the curate of the parish in which the asylum is established. The mistresses of the asylums keep a journal, in which the moral history of the institution may be said to be contained, and from which a number of interesting facts have been extracted, elucidating the workings of human intelligence and human affection at an age which has not, until now, been sufficiently studied by the moral philosopher. Though the Tuscan infant asylums are of so recent a date, yet their effects are already, and in a remarkable degree, perceptible. The improvement in the health of the children received in the Tuscan asylums, is a most striking fact. The study of this fact on the part of our medical committees has led to most important observations, not only with respect to the infants themselves, but extended to their families, and indeed to the whole of the poor population of our towns, and to the various districts of the towns themselves. The case of death in our asylums is between 2 and 3 per cent., whilst the general mortality of children between two and six is in Florence 16 per cent. The same results have been observed in Lombardy, where infant asylums are more numerous than in Tuscany. A thorough reform of every system of education, going through every species of schools, will be necessary, in order to put them on a par with the high educational character of our infant schools. The moral results, likewise, are not confined to the infants themselves, but are extended to their families. A great proportion of the children received at the infant asylums in Florence are found to come from the Foundling Hospital; indeed, out of 600 children, four hundred belong to that class. They are children whose parents were forced by extreme destitution to abandon them; but as soon as our infant asylums were known to exist, parental affection resumed its rights in the hearts of those hundreds of parents, and a dishonouring brand was wiped away from the head of those hundreds of children, who found again the joy of their family, and were restored to their name and their civil condition. In the three years anterior to the opening of the infant asylums, the average number of chil-

dren taken out of the Foundling Hospital was 176; but in 1833, when the asylums were first established, the number withdrawn was 214, and in 1837 it increased to 404! Few facts more pregnant than this with important consequences have ever been brought to light in the moral statistics of any country.

No. 15.—*Pennsylvania Asylum for the Insane.*

Though we deeply regret the long delay which has occurred in providing an institution for the insane poor, which public sentiment throughout the State long ago demanded, we are pleased to see that the good work is in progress. We wish those who have the power to delay or to make haste, could have a glimpse, now and then, of some one of the many wretched creatures that are suffering untold agonies for want of the very treatment which such an institution provides, and we might hope their sympathies might be sufficiently worked upon to quicken their motions, and hasten to complete what we so long and so shamefully neglected to begin. The following passage from the late message of Governor Johnson to the Legislature, will show the state and prospects of the work:

"The attention of the Legislature having been called to the neglected and suffering condition of the insane poor of the State, an act was passed on the 14th day of April, 1845, providing for the establishment of an asylum for this unfortunate class of our indigent population, to be located within ten miles of the seat of government. The commissioners named in this act, with funds contributed for the purpose by humane and benevolent citizens of Harrisburg, aided by a liberal appropriation made from the treasury of Dauphin county, purchased a farm of about one hundred and thirty acres, eligibly situated within a mile and a half of the State Capitol. In January, 1846, these commissioners made a report to the Legislature, in which they stated, that on a critical examination of the afore-said act, such defects were apparent, that they did not conceive themselves justified in proceeding with the building, or in making any expenditure of the sum appropriated by the State towards its erection, until some modification should be made in the law under which they were acting. To remedy these defects, a supplementary act was passed on the 11th day of April, 1848, upon which the commissioners forthwith adopted measures for the commencement of the work. A plan for the proposed building was adopted, and a contract was made with an experienced architect and builder for its construction. A considerable portion of the materials, as I am informed, has been provided; the excavation of the collars and foundation has been made; the laying of the stone masonry commenced, and the hydraulic apparatus for raising water to the building nearly completed. Of the appropriation made on account of this building, a warrant has been drawn for \$5,000, of which only \$2,726 05 has been expended. It is hoped and believed that the work will be forwarded with as much despatch as is consistent with prudence and a proper regard for the comforts and restoration of the afflicted insane poor."

No. 2.—MR. JUSTICE COLERIDGE *on Drunkenness.*

DURING a recent gaol delivery for Yorkshire, (as the North British Mail states,) two young men were convicted of a highway robbery. They received excellent characters from several witnesses, and on the night of the robbery it appeared that they, as also the prosecutor, were in a state of intoxication. The jury found them both guilty, but recommended them both to mercy on account of their previous good character, and because they, as well as the prosecutor, were all drunk at the time! His lordship, addressing the prisoners, said:—"The jury on account of your previous good characters, and because all the parties were drunk at the time, have recommended you to mercy. I must say that the first ground is an exceedingly good one; but, I think, if the jury had considered the mischief and crime that results in this county, as well as in every other part of England, from the use of liquor in excess, they would hardly have considered that that is any extenuation of your offence. True, you would not, perhaps, have committed this offence if you had not been in liquor; but if a man will commit crime when drunk, he should take care not to get drunk. I venture to say, that in much more than half the offences which have been brought before these assizes, liquor has had something to do. Liquor has either been the temptation before hand to robbery to get something to purchase it, or it is the provocation under the influence of liquor that causes them to quarrel, and perhaps commit murder; or it is liquor upon which the fruits that have been obtained by robbery are generally spent; and it seems to me that, but for the cases where offences are brought on by the excessive use of intoxicating liquors, the courts of justice might be nearly shut up. I am sure that a great deal more than half the time of criminal courts is taken up in consequence of offences which have something to do with liquor. The first recommendation of the jury I shall take into consideration, but the second I cannot. The laws of this country do not allow drunkenness to be either a justification or extenuation for any offence. The old law said that if a man killed another when drunk, he should be hung when sober. It must not be for a moment heard that intoxication is to be any thing like an excuse for crime."

☞ The next and succeeding numbers of this Journal, may be expected punctually, on the first days of *April, July, and October*, and will be delivered to subscribers as heretofore.

TERMS.—ONE DOLLAR A YEAR IN ADVANCE.

THE
PENNSYLVANIA JOURNAL
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AND
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PUBLISHED QUARTERLY

UNDER THE DIRECTION OF "THE PHILADELPHIA SOCIETY FOR ALLEVIATING
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SOUTHWEST CORNER OF FIFTH AND MINOR STREETS.

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CONSTITUTION

OF THE

"Philadelphia Society for Alleviating the Miseries of Public Prisons."

When we consider that the obligations of benevolence, which are founded on the precepts and examples of the Author of Christianity, are not cancelled by the follies or crimes of our fellow-creatures: and when we reflect upon the miseries which penury, hunger, cold, unnecessary severity, unwholesome apartments, and guilt, (the usual attendants of prisons,) involve with them, it becomes us to extend our compassion to that part of mankind who are the subjects of those miseries. By the aid of humanity, their undue and illegal sufferings may be prevented; the links which should bind the whole family of mankind together, under all circumstances, be preserved unbroken; and such degrees and modes of punishment may be discovered and suggested, as may, instead of continuing habits of vice, become the means of restoring our fellow-creatures to virtue and happiness. From a conviction of the truth and obligation of these principles, the subscribers have associated themselves under the title of "THE PHILADELPHIA SOCIETY FOR ALLEVIATING THE MISERIES OF PUBLIC PRISONS."

For effecting these purposes, they have adopted the following CONSTITUTION.

ARTICLE I.—The officers of the Society shall consist of a President, two Vice-Presidents, two Secretaries, a Treasurer, two Counsellors, and an Acting Committee, all of whom, except the Acting Committee, shall be chosen annually, by ballot, on the second Second-day, called Monday, in the month called January.

(See 2d page of Cover.)



APRIL, 1849.

VOL. IV.—NO. II.

ART. I.—HOUSES OF REFUGE.

- I. *Twenty-first Annual Report of the Managers of the Philadelphia House of Refuge to the Legislature and to the Contributors thereto.* 1849, pp. 32.
- II. *Twenty-fourth Annual Report of the Managers of the Society for the Reformation of Juvenile Delinquents to the Legislature of the State and the Corporation of the City of New York.* 1849, pp. 50.

We need, in some parts of the United States, a grade of penal institutions between what are called Houses of Refuge, or of Reformation for Juvenile Delinquents on the one hand, and the highest and best class of penitentiaries on the other.

As they are at present, our institutions of this class are neither schools nor prisons. They employ the inmates at labor and instruct them, as far as practicable, in the elements of useful knowledge and thus far they resemble the Industrial Schools of Europe. But they are places of close confinement—they have regulations and a police, not unlike those of a prison, and their inmates are sent thither as *offenders*—though *juvenile offenders*. The worst that can be said of some of them is, that they are incorrigible truants—of others, that they are past parental control, (and in this respect, perhaps, “more sinned against than sinning;”) but some are adroit thieves and bold burglars—some skilful forgers—some incendiaries, and some assaulters with intent to kill. Their ages, too, range from eight to sixteen or even eighteen, and their size and physical strength are equally various.

This is a motley group to bring into the relation of school-mates or fellow-apprentices, and their care-takers must possess

rare endowments, so to administer discipline, as to prevent much harm from being done to some in connection with all the good they do to others. For, that they have done immeasurable good, no one who has investigated their operations and results, can for a moment doubt. They have fully justified the high anticipations which were entertained concerning them at an early period of their history. "No disciplinary institution in our country," said the Rev. Dr. Alexander of New Jersey, "promises to effect more for society, than a House of Refuge for juvenile delinquents. If it were ever lawful to rejoice in an event produced by crime, it would be, that these unhappy youth are, by the commission of a crime, snatched from the sink of pollution in which they have been immersed, and put to regular business, and educated as well as most children in the land."*

Having fully sustained their claim to confidence, as a system of reformatory means, we naturally desire to see them rendered as effective as possible. And to this end we would have them adhere punctiliously to the original design for which they were instituted. This was not to inflict a penalty, but to interpose a shield—not to bring suffering upon the guilty, but to supply instruction, wholesome discipline and kind offices to the neglected and exposed. They may easily be perverted by opening their doors to youth ("young in years, but old in sinning") who are thought to require some milder discipline than the penitentiary affords, but whose offences are really as rank and as indicative of deep-seated depravity as those of the oldest and the worst.

In determining, in any given case, whether to admit or reject an applicant, the managers of a House of Refuge would be governed, we presume, chiefly by the *character*, though in some degree by the *size* and physical strength of the individual, as a subject of mild, parental discipline. The question, how far a residence in the institution will be likely to bring about his radical reformation and the establishment of good habits has the first place; and another, and scarcely less important question would be, what influence will his admission have on others? If he is perverse and stubborn, and at the same time

* Rev. Dr. Alexander's letter to the Howard Society of New Jersey, July 1833.

overgrown in size, so as require a disproportionate measure of care and vigilance, (in which case other and more hopeful subjects must be, to an equal extent, neglected,) his admission would seem inexpedient. Provision exists, or should be made for such an one elsewhere. So, also, if one is presented, deformed in body, deficient in mind, or of sickly constitution, and not likely to succeed in acquiring the knowledge of a trade, or unfitted to bear the proper discipline, he has higher claims on some other form of public charity. A House of Refuge is not meant for him, nor is it likely to benefit him.

An institution designed to keep boys and girls in due order and subordination, ought to be able to dispense with some of the more revolting appendages of a prison—such as unscaleable walls—narrow stone cells—and massive bars and bolts. We admit that all these are necessary the moment it receives a sturdy, hardened, hackneyed rogue of eighteen, sixteen or even fourteen; but it is a pity to force upon the whole establishment the gloomy appearance of a prison, rather than reject half a dozen youth of extra age and size, whom parents or friends naturally feel disposed to save from a felon's doom.

The inquiry of chief interest, however, relates to *character*. What has been his career up to this time? Who have been his associates? To what species of crime has he been chiefly addicted? Has he, in the fury of unbridled passion, attempted the life of another? of his parent, or associate, or enemy? Has he deliberately forged another's name? Has he been familiar with scenes of outrage and tumult? Is he a frequenter of the haunts of infamy? Has he good fellowship with a large circle of like characters with himself? These questions, or any of them, if answered affirmatively, would go far to turn the scale against his admission. The acts we have supposed, indicate in the perpetrator of them, a confirmed habit or propensity, which may, perhaps, be corrected; but not by the ordinary discipline of a proper House of Refuge. Nor should the attempt be made to employ it on so unpromising a subject, at the risk of introducing more evil than we can possibly hope to prevent. Indeed, it is difficult to conceive any good reason why a burglar or incendiary at sixteen, should be called a "delinquent," and put to school, while the same grade of criminals

at twenty, are called convicts, and sent to the penitentiary. Age, by itself, is a very unsafe criterion by which to determine the turpitude of crime or the appropriateness of punishment.

We do not say that no cases of this class can occur, in which the admission of the party to a House of Refuge, would be expedient ; but, as a general thing, we should be disposed to confine its benign influence to those whose proclivity to a criminal career is but feebly though decidedly developed ; whose delinquencies exist rather in an impatience or contempt of domestic restraints, than in deliberate violations of public law. The discipline, as well as the construction of Refuge-buildings and the usual means of safe custody, evidently contemplate a very young class of boys and girls, say from eight to twelve years of age, who may be incorrigible truants, disobedient to parents, insubordinate to masters, petty thieves, street-strollers, without a home or worse,—uneducated, unaccustomed to any kind of restraint. Such youth come under the discipline of an establishment, like our Houses of Refuge, with a prospect of great advantage.

Even those who have acquired fixed habits of lying, stealing, deceit and violence, are, at this age, physically reducible to order and industry. They are incapable of using dangerous weapons with effect—they are not likely to combine for outbreaks, nor to plot escapes. With wholesome food, and an hour or two's recreation every day, they can be made to conform to stringent regulations, without great or long continued severity of discipline. Active employment in some handicraft, daily schooling, and proper religious culture, soon work a wonderful transformation in such a class of children, and if they can only be continued long enough to make their new course of life *habitual*, so that to be idle shall be as irksome to them as it once was to work, and to speak the truth shall be as easy as it once was to lie, the benefit of such an institution could not be overrated.

If the discrimination we have suggested, should be faithfully observed, we should find a very large class of youth who require penal discipline of a severer type, and for whom no provision is now made except in the penitentiary, which is quite as ill adapted to meet the exigency at this point, as the

Refuge is at the other. We should, therefore, be disposed to take the most promising youthful inmates of the penitentiary, and the least suitable or most unpromising of the older inmates of some of the Houses of Refuge for juvenile delinquents, and provide an institution for them, that shall combine the severity of the former with the leniency of the latter. This idea is substantially embraced in the Parkhurst prison on the Isle of Wight, and is recognized to some extent in the new State Reformatory School at Westborough, Massachusetts.

The origin and peculiarities of these institutions, involve the vast and interesting subject of juvenile delinquency; its causes, effects and preventives, upon an investigation of which we promise ourselves some future opportunity to enter. As it is, our limits require us to pass abruptly to a few general remarks upon the present condition of our principal institutions designed for its correction.

From the twenty-first report of the Philadelphia House of Refuge, we learn, that during the year 1848, one hundred and sixty-eight inmates were received, (129 boys and 39 girls,) and 153 discharged, (116 boys, and 37 girls,) of whom, 89 were by indentures. Of the commitments, 86 were by request of parents or near friends. The average age of both sexes was a fraction over 14 years; but so far as the prospect of reformation is concerned, a girl is as old at 14 as a boy is at 18. There was only one death in the House during the year. Of the 65 boys indentured, 30 went to farmers; and of the 24 girls all were indentured to housewifery. The occupations of the inmates are, cane-chair seating, (48,) umbrella furniture, (57,) and razor-strop making, (71.) The income from the labor of boys during the year, was \$5,598,88, and the total expenditures of the establishment, were \$13,987,39. The principal of this institution has, at our request, furnished some valuable suggestions respecting the methods of administration and discipline, in establishments of this class, of which we gladly avail ourselves in the present connection.

He ranks classification, among the most obvious, important and difficult objects to be attained in such an institution. He admits that education, moral, intellectual, and religious, is all important; but he insists, that habits of industry and obedi-

ence, should be regarded as among the first and most desirable fruits of it. The power of habit, he thus forcibly describes:

“A boy, who has been unaccustomed to obey his parents, or respect his superiors, and has been allowed to spend most of his time in idleness before he is brought to the Refuge, if kept regularly at work, and at the same time compelled to obey those who have the care of him, will, in time, become so accustomed to labor, that he will even, in some cases, prefer it to idleness, and obedience will also become habitual. But this must be a work of time. He should be kept until he is thoroughly weaned from his former indolent ways. I have known boys who have remained three or four years in our institution and who have run away from their masters soon after they were bound out, come back to the city and resort to their old haunts and habits; but finding few if any of their old associates, they have soon felt that their former habits were not so pleasant, and having lost all relish for a vagabond life, have voluntarily returned to the house and asked admission and employment as a boon!”

He justly animadverts upon the unreasonableness of those who expect “a House of Refuge will accomplish, in a few months, what respectable and even religious parents find it difficult to do even in a series of years.” They have their children from the first hour of their existence, and through all that precious period of childhood, while they are comparatively strangers to evil habits and associations, and yet how often do they fail to secure their standing in good habits and sound principles? How preposterous then, must be the expectation that the House of Refuge will take them, when their moral and intellectual nature is so completely perverted and corrupted, and thoroughly reform them in a few months!

Touching the employment of boys in the institution, and after they leave it, many difficulties are experienced. The modes of labor which are adopted, are, of course, fitted to the age and physical ability of such children, but are by no means calculated to prepare them for that sort of life, which most of them expect to lead. To remove them completely from the temptations and exposures of city life, is considered very desirable; and hence, to place them with farmers in the country,

where the means of indulging vicious inclinations are supposed to be few and far between, is always preferred to placing them with mechanics, where they will be likely to find associates who will be the subjects or agents of corruption. But to bind a boy to a farmer till he is of age, is regarded by most parents as a very undesirable disposition to make of him, and when a boy is thus bound, he generally understands that his parents or friends will readily connive at his escape. The general wish is, that they should be bound to trades, if bound at all.

It seems to be admitted that, as a general thing, city boys are not likely to make good farmers, unless put to it very young, and by degrees accustomed to hard work. "The routine of labor pursued in the Refuge, does not seem fitted to prepare boys for that kind of life, to which the greater part of them are destined. A boy here, works from five to seven hours a day at very light work, in a room that is warmed and made comfortable in winter, and sheltered from the wet and heat of summer. He has from one to two hours for play every day, and an abundance of playmates. After living in this way about one year, (sometimes a little less, and sometimes more than a year,) he is bound to a farmer, who makes him work, perhaps ten or twelve hours in a day, and at labor which is much harder than any thing he has been accustomed to before. He has, perhaps, repeatedly been told, while in the Refuge, to behave well, and he should soon have a good place, and it has been told in such a way, that to be with a farmer is, in his mind, to be in a kind of paradise. But when he finds hard work, no time for play, frequent exposure to heat and cold, few or no companions, it is not strange that some are disappointed and disposed to abscond."

In contrast with this mode of proceeding, our correspondent proposes the following outline. "If it were possible," he says, "I would keep every boy at least three years, and I would have him understand, when he comes into the Refuge, that he must not expect to be discharged in less than three years, so that his mind should be at ease on that point. I would have them employed at trades, that would be useful to them after their discharge. In three years they would acquire so much knowledge

of a common trade, that their services would become desirable to respectable mechanics. In three years, if properly disciplined, their habits of industry, obedience, &c., would acquire a degree of strength. They would become weaned from their old associates and habits. In three years the older ones, (if too old for apprentices,) would become sufficiently acquainted with their business to earn their living. Their parents would not feel that their time was lost. They would see, and the boys themselves would see, that they are acquiring that sort of knowledge that will be useful to them in after life. Many of our older boys think now, that their time is in a good degree lost. They know, indeed, that the intellectual education they acquire will be of service to them, but they feel, at the same time, that they are not learning any thing that will secure them a livelihood after their discharge."

Among the obvious evils of a short continuance in the Refuge, (besides the impracticability of forming new habits in the children,) are, (1.) The state of constant restlessness in the alternation of hope and disappointment, respecting a release. Parents are permitted to visit their children once in two months, and in these visits the principal subject of conversation is about their "getting out." The children are constantly urging their parents to have them released, and the parents are equally constant in promising to do so. This excites much uneasiness in the former, and neutralizes what would otherwise be the useful discipline of the house; and, (2.) The institution is deprived of the fruits of its good discipline as fast, nearly, as they appear. "By constantly sending out the best, we lose their influence, which might be of much service with the more vicious. If, in any community, the best members were constantly leaving, and only bad members coming in to supply their places, the condition of that community, with regard to morals, would become very low, if not hopeless."

These opinions, formed from an intimate acquaintance with the practical working of the system, are entitled to weight. We do not adopt nor reject them. We do not say that any material modification of the present rules of admission, or of the form of discipline is practicable. But, if the views we have ever held respecting the design of a House of Refuge are

just, viz.; to rescue those whose childhood lies all *open to evil examples and influences*, and to put them under treatment, which shall resemble, in its main features, that of a good home, then are we clear, that a more rigid discrimination in the admission of inmates should be observed. The most hopeful subjects of such domestic discipline, are those who have not past into that stage of moral and intellectual stupor and impenetrability, on which ordinary sympathies fall as water-drops upon a marble slab. Notwithstanding the sad neglects and abuses they have suffered, there are still impulses in their young natures, which can be worked upon by kind words and approving smiles, and indeed, their present unhappy condition is owing, in no small measure, to the absence of such influences from the place which (for want of a better) they call their *home*. We have known cases, not a few, in which the manifestation of a real interest in the welfare of a child at a favorable moment, has been, in its effects, like the gushing forth of a living spring from the smitten rock. And it is in this view, that we most highly commend a recent measure in the institution, whose report is now under review, viz., the employment of an intelligent, judicious, capable female, to supervise with maternal care and tenderness the moral and physical condition of the boys.

We all know with how many chords the human heart is strung, which vibrate only to the soft breath of sympathy. A gentle accent—a trifling act of kindness, or even a glance of pity, will awaken their harmonies, and fill the heart of the rudest child with what may well pass for rapture. There is a period, however, at which these better feelings become comparatively incapable of excitement. They have either lost their vitality by abuse or neglect, or they have been overborne and swallowed up by the ebbless tide of vicious associations and indulgencies. The voice of virtuous charmers is no longer heard, charm they never so wisely.

But we cannot enlarge on this fruitful topic, suffice it to say that some of the defects of the present system are remediable, as we have already intimated, and others are inseparable from the very nature and design of the institution, and can only be set over against the greater good.

The report furnishes a very gratifying account of the progress which has been made in the erection of a new Refuge for Colored Juvenile Delinquents. A front view and ground plan of the structure accompanying our present number and the following general description of the arrangement of the various departments, may be interesting to our readers.

The site embraces eleven acres of ground, and is intended to afford ample room, (at some future time,) for a new Refuge for white children. The lot lies in the form of a parallelogram, 400 feet by 210, and is enclosed by a wall varying in height from $20\frac{1}{2}$ to 30 feet.

"The arrangement of the buildings within the enclosure, which are all of brick, with slate roofs, is made with reference to a total separation of the boys and girls, and to the existence of three separate classes of both male and female inmates: the first (or best) and second classes each to have a play-ground and work-room, and the members of one class not to be allowed to converse with those of the other, on any occasion; the third class, consisting of the most depraved inmates, to be kept, until in a condition to warrant promotion to a higher class, in separate confinement, with a suitable allowance of out of door exercise for the preservation of health, said exercise to be taken in an enclosure specially designed for this purpose, where no conversation between the inmates shall be permitted.

"The numbers of these three classes which can be accommodated when the buildings marked on the plan shall be erected, as ultimately designed, are—

| | Boys. | Girls. |
|-----------------|-------|--------|
| 1st Class . . . | 40 | 27 |
| 2d Class . . . | 56 | 45 |
| 3d Class . . . | 30 | 22 |
| | <hr/> | <hr/> |
| Total . . . | 126 | 94 |

"Dormitories for the first and second classes are at present provided for—

| | Boys. | Girls. |
|-----------------|-------|--------|
| 1st Class . . . | 30 | 14 |
| 2d Class . . . | 42 | 22 |
| | <hr/> | <hr/> |
| Total . . . | 72 | 36 |

"The erection of all of the other buildings specified in the plan, was authorized, with reference to the accommodation of 250 inmates. They consist of—

"1. A main building, three stories in height, containing offices and chambers for the officers, school-rooms and in-

firmaries for the male and female inmates, a dining and sitting-room for the girls, &c.

"2. Two buildings projecting from the rear of the main building; the one in the male department, two stories in height, and containing the chapel and the boys' dining-room; the other in the female department, three stories in height, and appropriated for the kitchen, the wash-room, store-rooms, &c.

"3. Two wings, each three stories in height; the one, in the female department, containing the dormitories and bathing-rooms for the girls; the other, in the male department, containing the boys' dormitories.

"4. A building, two stories in height, near the southern wall of the male department, the first and second stories of which are designed for work-rooms, and the basement for a washing and bathing-room for the boys.

"A corridor, 12 feet in width, extends the whole length of the main building and wings, a distance of 243 feet.

Many important points, in addition to the classification of the inmates, claimed the attention of the Board, in the preparation of the plan—*e. g.* security against the escape of the inmates, and their constant supervision by an officer at all times of the day; the proper ventilation and warming of all the apartments; provision for out of door exercise for the inmates, in all states of the weather, &c. These, it is believed, have all been kept in view and provided for, in the plan adopted.

"The wall of enclosure, excepting the gate-way and a portion of the pointing, is completed; the work-shop is finished; and of all the other buildings the walls are up, the roofs on, and a small part of the flooring laid."

Extracting flues, connecting with shafts leading to the external air, have been inserted in all the dormitories and other rooms, to ensure a good ventilation at all times; and suitable arrangements have also been made for heating the different apartments. We trust the Managers have succeeded in securing these two most important requisites to the health (physical and moral) of their new institution. A full supply of good water, fresh air and wholesome warmth, is what every institution of the kind wants; and yet in one or more of them almost all are deficient.

The second document, at the head of the present article, shows a prosperous state of the institution of which it treats. The whole number of children and youth who have found refuge within its walls is 4,397. Of these, 568 were under its care, at different periods, during the year 1848. The number

remaining January 1, 1849, was 355 ; and 213 were disposed of during the year. The chief branches of labor are, making and seating chair frames and manufacturing razor strops. Among the improvements of the year is the introduction of a small steam engine, to relieve the severity of some parts of the labor, which is not unfrequently prejudicial to the immature strength of the inmates.

The disbursements of the year amounted to \$22,896 10, and the receipts \$24,122 32. Of the latter sum, \$7,198 77 is from the labor of the inmates, \$7,323 83 from the State, \$4,600 from the city of New York, and \$4,026 50 from theatre and circus licenses. The chief items of expense were food and provisions, \$9,106 41 ; salaries, \$4,875 89 ; clothing, \$2,297 90.

The importance of more perfect classification and separation, especially among the female inmates, is urged. "Contact with the older and more depraved of their sex, is, for obvious reasons, far more destructive to young and comparatively innocent females than to males."*

In confirmation of the views we have presented in a former part of this article, we cite the following passage from the report now before us.

"This is the proper place to allude to a practice of which we have already complained more than once—that of sending to the Refuge, from mistaken ideas of humanity, subjects so far advanced in years and in crime as to give but faint hopes of their own reformation, while by example and influence they are calculated to do infinite harm to others. Those who have travelled long and far on the downward road of vice, are most unfit companions for such as have been arrested at the outset of their guilty career. It is to guide and to reclaim the latter, that houses of refuge are established ; the reformation of the former must be attempted in other places and by other means. To this practice of sending to the refuge hardened offenders, whose proper place is a State prison, the managers ascribe the frequency of attempts to escape. Many sent to us as boys, are men in size and strength, impatient of restraint, reckless of consequences, hardened, daring and ingenious in all mischief. While such subjects are sent us, to corrupt, to organize, and to lead the younger and more orderly,

* This subject has lately engrossed the earnest consideration of the Managers of the Philadelphia Refuge, and there is an evident determination to effect important improvements in this respect.

attempts at escape will continue to be made, and in spite of all the vigilance of the officers, will occasionally be successful.

"The rapid increase of crime in our city, and the constantly augmenting numbers of vicious and vagrant youth, is a subject of serious contemplation. It would be serious enough, if it only kept pace with the astonishing increase of our population, but it even outstrips it. There is no way of getting at complete statistics in this matter, but all the details that can be obtained confirm this view. Thus there were committed to prison in the city, including those sent before trial, and after sentence, and excluding summary convictions,

in 1835, 2367 persons,

in 1844, 9153, "

During this time the population increased from 270,089 to 312,710 (in 1845) or about 35.1 per cent., while the increase in crime was 354.6 per cent. The average number of inmates in the Tombs was, in 1846, 174; in 1848, 216, an increase of 21.2 per cent. in two years, or over three times the growth of the city, which of late was about 6.90 per cent. for two years. This startling disproportion, is more or less true of all large cities. It is a law of our social state, that growing prosperity shall find its drawback in the parallel increase of misery; and that crowded communities, as they offer the most liberal rewards to good conduct and enterprise, so shall contain likewise the most seeds of evil, the strongest temptations to vice, the largest amount of misery. And besides our own neglected and depraved population, the tide of emigration, now setting in stronger and stronger every year, while it enriches our country, leaves much of its refuse in our city. Pauper families, and even felons, are not unfrequently sent over to us, as a cheap way of disposing of them, by the selfishness or mistaken humanity of those whose duty it is to provide for them at home, thus swelling the number of houseless, friendless and lawless youth, drifting loose upon society, to become utterly shipwrecked, unless the active hand of benevolence is stretched out to save them."

Of those children received in 1848, 209 were boys, (192 white and 17 colored,) and 55 were girls, (45 white and 10 colored.) 140 of the whole number were from the Police and Sessions of the city, and of the white children only THIRTY-NINE were of American parentage. 127 were of Irish birth! Of 141 boys discharged, 53 were indentured to farmers, 14 to shoemakers, and 19 sent to sea; and of 47 girls discharged, 33 were indentured to housewifery. The average age of the inmates received during 1848, was thirteen and two and a half twelfths years. Seventy-seven were over fifteen when received.

New House of Refuge at Rochester.—Our readers are perhaps aware, that an institution similar to the present House of Refuge in New York, is about to be established in Rochester for the accommodation of the Western counties of the State. A friend has kindly furnished us with the following description of the buildings, &c. Mr. Wood, the present superintendent of the New York House of Refuge, is expected to take charge of the new establishment, and the discipline will probably be substantially the same. An appropriation is expected at the present session of the legislature, that will enable inmates to be received this spring. No provision is yet made for females.

“At present,” says our correspondent, “they have only erected a main or centre building and one wing. The whole length of this building is 234 feet. Main building 86 by 60 feet. Wing 148 by 32 feet, terminated by a building 37 feet square. The basement of stone, 10 feet in the clear, walls above of brick. The basement in the main building is intended for the culinary department; that in the wing for wash-rooms, bathing-room and workshops. The first and second floors of the main building are divided into four rooms, with suitable closets, and three halls, with staircases. The main hall in the centre is 15 feet wide; side halls to communicate with the wings 12 feet wide. The rooms on the first floor of the main building are intended for superintendent, matron, &c. The rooms on second story for hospitals and sleeping-rooms for the officers of the institution. The upper or third story of main building is intended for a chapel, 60 by 60 feet, the entrance to which is from the side hall.

“The first story of the wing is divided into two rooms for school and dining rooms, each 70 by 30 feet. In second story of wing are the dormitories for the inmates, two tiers in height, and 86 in number, arranged next the outside wall. Hall 15 feet wide in the centre. Each dormitory is $7\frac{1}{2}$ feet wide and $7\frac{1}{2}$ feet high, and is furnished with a narrow window reaching from floor to ceiling. Dormitory doors are of cast-iron open work for summer ventilation, allowing the air to pass directly across the building; in addition, each dormitory is supplied with fresh air, descending from the cornice by iron pipes, and passing through the iron doors. This building is surrounded by a stone wall,

four feet thick at the foundation and tapering to two feet at the top, 23 feet from the foundation, and 20 feet above ground. The wall is 500 feet long and 400 feet wide, embracing about $4\frac{1}{2}$ acres of land, and cost \$12,000. The building, as above described, cost \$26,000. The whole is a most perfect piece of workmanship in every respect, built in the very best manner, and is considered a most complete model for such a purpose.

"Attached are 40 acres of land, which it is intended the inmates shall cultivate, thus affording them a healthy employment, and, at the same time, furnishing a supply of vegetables, &c., to the institution. The buildings are situated about a mile from the centre of business, in a fine dry sandy soil."

We had prepared a sketch of the proceedings at the opening of the State Reform School in Massachusetts, and of the discipline, &c., prescribed there, together with a view and ground plan of the buildings, but our limits are so contracted as to forbid its appearance in the present number.



ART. II.—MORTALITY AND CRIME.

It is not generally known, although the fact has been sufficiently demonstrated by different vital staticians, that great annual mortality is accompanied by a proportionate increase of births, so that the population is kept at its usual average even if it does not increase. One effect of this mortality and increase of births is the disproportion between the numbers of the young, the improvident, and the thoughtless, and the older, more prudent and considerate. Mr. Slaney, in his report on Birmingham and other towns, made to the commissioners for inquiry into the state of large towns and populous districts, after referring to Mr. Chadwick's exposure of the popular fallacy, that the sufferings caused by disease, especially among the poor, restrained the increase of population, says: "I have constantly observed, wherever the mortality was high in close, narrow, neglected courts and alleys, there the children swarmed, as if to fill up the places; and it has been demonstrated

again and again, that a high mortality in an increasing country, only leads to a great increase of births." After this preliminary notice, the reader will be able to understand the force of the following remarks on the connection between mortality, (including, of course, its physical and moral causes,) and crime.

Mr. Slaney contrasts the two classes or kinds of inhabitants of the same city, in the one of which the annual mortality is but two, and in the other four per cent. "We shall find the rate of mortality one great criterion of comfort, therefore, of contentment, of good conduct, of moral habits, of intelligence, docility, usefulness and value."

"In the one case we shall find a population having little to complain of, ready to attend to advice, having had time to learn and to think, having experience from lengthened life, and being valuable subjects, docile and industrious, possessing their chief safe-guard against tumults or disorders, 'the hope of improving their condition.' In the other will be found a body, consisting in a great measure of the young, who cannot repay their support; a large proportion of the rest will be inexperienced, untaught, untried, having had no time to learn or to think. All will be more or less reckless, and hard in mind and conduct; they have been formed by the cautious course of circumstances around them; poison to the mind, to the body, has been the course of their only education. Their maxim will be the heathen maxim of old, 'Eat and drink, to-morrow we die;' forced by their necessities to labor, experience and wisdom will be wanting; they will not husband their wages, but seek for excitement in intemperance, or low sensual indulgences; their consumption of spirits will be ten times that of the happier class. The gratification of their animal passions will be their chief object; illicit connections will be formed; early ill assorted marriages will take place without any chance of provision for offspring; there will arise multitudes of sickly and neglected children, pressing into the place of those early victims just departed, and to be cut off by the same melancholy process; and thus the scene revolves. This class will eagerly join in mobs or disturbances, partly for the sake of excitement, and because they have *not* that security for good conduct—the hope of improving their condition."

Dr. Lyon Playfair, one of the commissioners, in his report on the large town in Lancashire, remarks: "The tendency to crime is increased by the comparatively few old and experienced men left to counteract the haste and inexperience of youth. In the recent mobs in Lancashire, the great majority

of the rioters were found to consist of persons just emerging from boyhood; the absence of elderly persons among them was a matter of common remark. Mr. Combe has observed, that the comparative paucity of aged and cautious persons is the cause of the inconsiderate and turbulent movements in America. The obstacles in the spread of education are, also, connected with these causes."

Dr. Playfair said previously, "The facts exhibited in the preceding sections, will, I apprehend, convincingly show, that a crowded and unhealthy district, with all its inevitable accompaniments of low morals and low intelligence—where the condition of human beings is scarcely above that of animals—where appetite and instinct occupy the place of the higher feelings—where the lowest means of support encourage the most improvident and early marriages,—is not the place where we shall find a diminishing or even stationary population. For the early unions there, are followed by early offspring; and although more than half that offspring may be swept away by disease during early infancy, yet nearly a third of it will grow up, in spite of all the surrounding evils, to follow in the steps of their parents, and in their turn to continue a race ignorant, miserable and immoral as themselves." In a note, Dr. Playfair makes the following estimate. "If we suppose a district of 50,000 inhabitants, with births as 1 in 22, and deaths as 1 in 33—a ratio not actually as unfavorable as that of Holme—a little calculation will show that, by the end of twelve years, the population will have swollen it to nearly 60,000!"

Sameness of the Causes of Crime and of Disease.—Dr. Lyon Playfair, in the report already referred to, says expressly: "All the experience acquired during this inquiry, points out that one immediate effect of the operation of morbid causes, even when not present in sufficient intensity to produce direct disease, is to create an appetite for vicious indulgences. It is too common a mistake to transpose the effect for the cause, and to ascribe the disease to the indulgence of those passions, which, in the first place, were created by the low sanitary state of the district."

To the same purport are the pointed conclusions of Mr. Slaney. He had just been describing the low class of dwell-

ings of the poor and the wretched, and the self-interest of small capitalists to prefer the erection of these to ones of a better description. He goes on to say :

"I have endeavored to describe some of the evils arising from the want of proper sanatory regulations in many of these crowded and neglected places. They may be summed up as follows :

"1st. Shortening the duration of the lives of the community.

"2nd. Disease, suffering and inability to work on the part of many who survive—the cause of great cost to the country.

"3d. Crimes, theft, and the loss of property, which the police constantly point out as arising from these neglected classes.

"4th. Riots, disturbances and drunkenness, which may generally be traced to the same class of persons, often to the same place.

"5th. Great injury to the education of the poor, which is constantly neutralized in its good effects by the neglect and evils they see around them. The same observation applies to the inestimable advantages of religion and of attendance on religious worship.

"6th. Great discontent in some, and sluggish apathy in others, producing recklessness of conduct, indifference, and want of attachment to the institutions of our country.

"7th. The loss in the humbler classes of the cheapest, best and most enduring pleasures, viz., those arising from the kindly influence of the domestic relations between husbands and wives, parents and children, brothers and sisters—this pure source of happiness derived from mutual kindness, attachment and good offices—is, amid the hardening and disgusting scenes described, almost destroyed.

"Amid such scenes, the children become hardened, careless of cleanliness, unused to order, and all the benefits derived from the best education which may be given, is destroyed by the constant evil examples they see around their homes. This is especially the case with the female sex, who, if early tainted by the disgusting scenes existing in the places described, and by the want of all decency and self-respect there exhibited, become at a future day, the nursing mothers of vice and wretchedness, instead of inculcating the household virtues."

The sameness of the causes of diseases and of crime, are clearly indicated by the Rev. Mr. Clay in his report in the borough of Preston, as where he says :—

"A map of the town has been made, shaded in those districts which are ill ventilated, drained and cleaned ; the increased depth of tint indicating a proportionate degree of dirtiness, &c.

The number of deaths in the respective streets is also given, every blue spot representing a death from fever or epidemic disease, and the red spots showing the frequency of death from other disorders. The residences of persons charged with offences during the last year are also indicated, and the whole tends to show, that dirt, disease and crime are concurrent."

Overcrowding and Defective Ventilation.—Dr. Southwood Smith, in his evidence before the commissioners for "*Inquiring into the state of large towns and populous districts*," adduces the following painful, but yet instructive observations. We reproduce them here, not merely as a warning against a remote, or even a threatened evil, but with the hope of stimulating our fellow-citizens to the adoption of such measures as shall eradicate similar nuisances too near their own doors.

"I wish particularly," Dr. S. Smith states, "to draw attention to the importance of having a certain number of rooms in the dwelling-houses of the poor, though I am aware of the difficulty of legislating on this matter, and of the still greater difficulty of carrying out practically what the legislature may declare to be its intention and will. Still it is right, that the attention of the legislature and other public bodies should be called to the physical deterioration and moral degradation, which results from the want of proper room in the dwelling-houses of the poor. Besides the evidence on this subject, which has been published in the report on the sanitary condition of the laboring population, a large mass of evidence to the same effect will be found in the reports of the sub-commissioners under the Children's Employment Commission, and in the statements of a great number of witnesses examined by them. Instances such as the following are given: 'A mother and her son, being an adult, sleep in the same bed. Grown-up females and unmarried young men sleep in the same room. A man, his wife, and his wife's sister, the latter being an adult, sleep together in the same bed.' I have myself seen, a young man, twenty years of age, sleeping in the same bed with his sister, a young woman, sixteen or seventeen years old. That incestuous intercourse takes place under these circumstances, there is too much reason to believe; and that when unmarried young men and women sleep together in the same room, the women become common to the men, is stated as a positive fact; but I regard another inevitable effect of this state of things as no less pernicious; it is one of the instances which, for want of a better term, may be called *unhumanizing*, because it tends to weaken and destroy the feelings and affections which are distinctive of the human being, and which raise him above the

level of the brute. I have sometimes checked myself in the wish, that men of high station and authority, would visit these abodes of the less fortunate fellow-creatures, and witness with their own eyes the scenes presented there; for I have thought the same end might be answered in a way less disagreeable to them. They have only to visit the Zoological Gardens, and observe the state of society in that large room, which is appropriated to a particular class of animals, where every want is relieved, and every appetite and passion gratified, in full view of the whole community. In the filthy and crowded streets, in our large towns and cities, you see human faces retrograding, sinking down to the level of those brute tribes; and you find manners appropriate to the degradation. Can any one wonder that there is among these classes of the people so little intelligence—so slight an approach to humanity—so total an absence of domestic affection, and of moral and religious feeling? The experiment has been long tried on a large scale with a dreadful success, affording the demonstration, that if, from early infancy, you allow human beings to live like brutes, you *can* degrade them down to their level, leaving to them scarcely more intellect, and no feelings and affections proper to human minds and hearts."

Dr. Lyon Playfair adduces instances of the crowding of persons in the same room, without even the plea of necessity. They are not, he informs us, the most extreme cases of the kind.*

* "CASE I.—The family whose total earnings consist of £2 2s per week, consist of the father and mother, who sleep in one bed; a married son and his wife who sleep in the second bed; a grown up daughter who, with two boys of twelve and fourteen years of age, sleep together on a bed on the floor; the whole family being in the same room.

"CASE II.—H. H. earns two shillings a day as a laborer—was brought up as a farmer, and had property to the amount of 2000 pounds, which he has dissipated—has a wife and five children—the eldest of whom is 13 years, the youngest 5 years; they have only one bed, upon which the parents sleep; the children sleeping on the floor as they best may.

"CASE III.—D. M., with his family, makes 30 shillings per week; his daughter, with a bastard child about two years old, a son about 16, another of 13, and a daughter of 10 years of age, making, with his wife, seven in all, sleep in the same room, with two beds.

"CASE IV.—J. G. has a father and mother who live with him; he and his wife sleep in one bed; his father and mother in another; his two grown up sisters in a third; his brother, a lad of 19, and a young man lodger, 'who is courting one of his sisters,' in a fourth: all in the same room. J. G. does not know, or will not tell, how much they all make, but thinks it 'a good bit,' as his wife and sisters and brother are at farming, himself on a fruit ground, and his father a laborer."

Dr. Holland furnished Dr. Playfair with the following, in the case of one of his dispensary patients: "D. E. is a widower, with one sleeping apartment, in which sleeps his adult son and daughter. The latter has a bastard child which she affiliates on the father, he upon his son, and the neighbors upon both."

In Preston, out of 442 dwellings examined in unhealthy localities, and inhabited at the time of the inquiry by 2400 persons sleeping in 852 beds, it appeared that

In 84 cases 4 persons slept in the same bed,

In 28 " 5 " " "

In 13 " 6 " " "

In 3 " 7 " " "

In 1 " 8 " " "

"Amidst the dirt and disease of filthy back courts and alleys, vices and crimes are lurking," says the Rev. Mr. Clay, "altogether unimagined by those who have never visited such abodes." The inspectors of prisons in Scotland, from separate inquiries, have also come to the conclusion, that the physical causes of disease, indirectly become the causes of crime.

Public Lodging Houses, are another prolific source of disease and vice. They are, in nearly all large cities, the nightly resorts not only of the migrating laborer, and travelling artisan, but, also, of the lower mendicants, thieves, and prostitutes. These resorts are well known to the criminal police. In 1831, Mr. James knew a house of this description in London, to contain 126 persons, many of them women and children, and perhaps not more than a dozen beds in the place. At the census of 1841, there were not more than 30 to 40 in any of these houses; "still these numbers crowd the houses most annoyingly." It is no uncommon thing, as we learn from Dr. Duncan, (*Report on the Sanatory State of Liverpool*), for the keepers of lodging houses to cover the floor with straw, and allow as many human beings as can manage to pack themselves together, to take up their quarters for the night, at the charge of a penny each. The havoc made by the cholera in the lodging houses at Manchester, in 1832, was terrible. In some of these houses, as many as 6 or 8 beds were contained in a single room, which are crowded promiscuously with men, women, and children. Dr. Howard, after showing the lamentable extent to which they become the hot-beds of *febrile* diseases of the most violent and fatal character, owing mainly to their filthy and unventilated condition, thus describes the morals of their frequenters, and their malign influence in this way on the young and inexperienced. "They serve as open receptacles of crime,

vice, and profligacy, and as nurseries in which the young and yet uninitiated, become familiar with every species of immorality. They are the haunts of the most depraved and abandoned characters, as well as the most miserable and suffering objects of the town, (*Manchester*;) and constitute one of the most influential causes of the physical and moral degradation of our laboring population."

Unless we are misinformed, the investigations now making by the Board of Health of Philadelphia, will reveal a state of things, not much behind, although on a smaller scale, those described in the foregoing extracts; and as regards New York, Dr. Griscom's report, made a few years ago, exhibits a still darker picture. With the warnings on the other side of the Atlantic to deter us, we ought to have kept clear of these nuisances entirely. Let us, as we have imitated the people of Great Britain for evil, imitate them also for good, by instituting the same searching inquiries into the nature and extent of these physical and moral corruptions, that are recorded in the proceedings of the various Parliamentary committees and Royal Commissioners.

In Glasgow, the lodging houses have been subjected to regular municipal supervision and ordinance, and, as we are told, with excellent effects.

ART. III.—STATE PENITENTIARIES.

- I. *The Twentieth Annual Report of the Inspectors of the Eastern State Penitentiary of Pennsylvania, transmitted to the Senate and House of Representatives.* March 1849, pp. 36.
- II. *Report of the Board of Inspectors of the Western Penitentiary of Pennsylvania, for the year 1848, with the accompanying documents.* Pittsburg, 1849, pp. 21.
- III. *Report on the condition of the New Jersey State Prison, embracing the Reports of the Joint Committee, Inspectors, Keeper, Moral Instructor and Physician.* Trenton, January 1849, pp. 44.
- IV. *Documents relating to the State Prison.* Senate of Massachusetts, Document No. 5, pp. 24.

I. The first document in the above list is worthy of a much more extended notice than our limits allow us to give. We shall notice its constituent parts in their order.

(1.) In their report the inspectors refer with natural interest to the opening of the State Lunatic Asylum, which is expected to be completed as early as January 1851. For want of it, "instances have occurred in which the sheriff has been the medium of a message from the judge who pronounced the sentence, to the chief officer of the prison, informing him that the prisoner was insane, but that no other mode of providing for the case existed."

The subject of pardons occupies a prominent place in their report. It appears that but a fraction over six per cent. of the pardoned have been recommitted; and the percentage of pardons in relation to number, sex and color, cannot be so well set forth in any other way as by transferring the table to our pages.

Table showing the whole number of pardons granted from the establishment of the prison in 1829 to 9th July, 1848.

[illegible]

During the year 1848, there were received 121 convicts, viz., 88 whites, (two females) and 33 colored (three females), and 128 were discharged. Of these, 83 served out their time; 13 were pardoned; 11 discharged by order of law; 15 died from disease, and one was a suicide. The whole number of convicts in confinement during the year was 415, viz., 299 white and 116 colored. Of the 16 deaths, 10 were whites and 6 colored.

(2.) The warden's report shows that of the 121 convicts received, 32 were foreigners, and 56 were natives of Pennsylvania. Ninety-one were under middle age; 96 were of intemperate habits; 76 could read and write; 60 were unmarried. Only 14 were bound and served their time out; 13 were bound and broke their indentures; and 96 were never bound.

Some curious facts appear in the various summaries which these details embrace. For example, of the 2,421 prisoners received into the institution from its opening in October 1829, 619 could neither read nor write; 2,020 were addicted to the use of intoxicating drinks; 460, or more than one-sixth, were foreigners; and of these last, Ireland supplied 199 and Germany 112. Seventeen hundred and twenty-nine were first convictions; 1,451 were never married; and 18 had been married and separated; 1,631 were whites (48 females) and 790 colored (86 females); 467 broke their indentures, and 1,569 were never bound. Of the 2,421 crimes, 2,000 were against property.

(3.) Next in order is the physician's report, in which special reference is made to the inordinate length of sentences, when the nature of the discipline is duly considered. Dr. Given thinks the coloured prisoners as a class, suffer a double burden, inasmuch as their sentences are longer and the enervating influence of imprisonment is more severely felt by them,—and he furnishes the following items on this subject.

| | | |
|---|-----------------------|------|
| Whole number of white prisoners, | - - - | 1631 |
| Whole number of colored prisoners, | - - - | 790 |
| Average length of sentences of white prisoners, | 2 y., 8 ms., 2 days. | |
| Average length of sentences of colored prisoners, | 3 y., 3 ms., 14 days. | |
| Whole number of pardons of white prisoners, | - - - | 253 |
| Whole number of pardons of colored prisoners, | - - - | 25 |
| Whole number of deaths of white prisoners, | - - - | 73 |
| Whole number of deaths of colored prisoners, | - - - | 141 |

The Doctor is disposed to vindicate the exercise of the pardoning power, even to a still greater extent than heretofore, unless the need of its exercise is taken away by a proper adjustment of the penal code to the penal discipline of the State. We are not prepared to say how far it would be safe to entrust the executive with power to remedy the errors or supply the defects of the Legislature, but if it is given, its extent should be clearly defined, and its exercise closely watched. We do not make this remark with any reference to the past. It is suggested by the idea, advanced in the report before us, that the pardoning power must needs be freely exercised, to compensate for the undue severity of the sentences. It is easy to see where such a doctrine would lead if followed out. We do not doubt the correctness of the statement, that the sentences at present prescribed by our laws, are quite too long and too indiscriminately inflicted, if we take into consideration the nature and efficacy of the discipline under which they are to be worked out; but in our haste to remedy the evil, we need to be cautious, lest we incur another and even a greater, because a more general and radical one. We hope this distinct call of attention to the subject, will awaken our legislators to early and efficient action. Where crying injustice is now done under color of law, a double wrong is inflicted on society. The agent and the instrument, become alike odious.

Dr. Given seconds the movement of the inspectors towards some relief from the commitment of insane convicts. He speaks of it not as a thing happening now and then, but as "A PRACTICE to send thither as criminals, persons notoriously insane or idiotic." He also suggests the importance of some more suitable provision than now exists, for those who may become insane during their imprisonment.

Of the 15 deaths by disease, eleven were more or less diseased on admission. The mortality for 1847 and 1848, gives a mean of 4 per cent., which is the usual average. In respect to insanity, Dr. Given's researches show, that of the 121 commitments during the year, 30 have had insane relatives;—10 cousins, 10 uncles or aunts, 5 parents, 4 mothers or sisters, and 1 grandparents.

Ten cases of insanity are reported, 5 whites and 5 blacks,

average age, 25. Four were in imperfect health when admitted ; one has an insane uncle, and two have an insane brother ; 5 are stated as cases of dementia, and 5 as cases of monomania.

(4.) The moral instructor's report informs us, that 288 sermons have been preached in the prison, which is an average of 48 to each corridor, and nearly one service for every Sabbath of the year. The whole number of visits recorded as having been paid by this officer to the convicts, in the course of the year, is 3,385.

II. The condition of the Western Penitentiary, is exceedingly gratifying. The inspectors allude briefly to the animadversions which have been made upon the Pennsylvania system ; but they express their confidence, that the happy results which have attended its administration in that institution, will excite in the public mind the same confidence in the advantages of that system over all others, which long experience and personal observation has excited in theirs.

The number of convicts received during the year 1848, (all males,) was 55—discharged in the same time, 52. Of 1,286 prisoners received from the opening of the prison, July 1826, only 22 have been white females ; and only 215 colored convicts, of whom 37 were females. Of the 115 in confinement January 1, 1849, 88 were addicted to intemperance ; 44 were natives of Pennsylvania, and of the 55 received during the year, 32 were unmarried. In respect to occupation, 42 of the 115 were laborers, 15 boatmen, 6 blacksmiths, 5 tailors. Of the 55 received during the year, 38 were under middle age.

The physician's report shows, that among 167 prisoners in confinement during the year, only 4 deaths have occurred. Two of the four were thoroughly diseased when admitted, a third was of a consumptive family and died of consumption, and the fourth was sixty-one years old, of intemperate habits and died of apoplexy. A complete table is presented by the physician, showing the color, sex, duration of imprisonment, and state of health on reception and discharge of each prisoner, released by expiration of sentence or by pardon, from which it appears, that, *with one exception*, they were all received and discharged in good health. Among these there were eleven, one or both of whose parents died of consumption, two who were intem-

perate, and one very intemperate, and their average term of imprisonment was eighteen months. Six were in better health when discharged than when admitted, and one, who was partially insane when admitted, was discharged in good health.

As a striking illustration of the healthfulness of the institution, the physician states that between sixty and seventy different convicts have been employed during the year in the shoe department, and forty-eight or fifty on a daily average; "*of this number only four have failed in consequence of indisposition, to perform their full task of work. Throughout the year every other than the four referred to have performed their regularly allotted task.*" We are not surprised that the medical officer thinks it proper to italicise a record of so remarkable a measure of health.

From the moral instructor's report, we extract a single, but very sensible paragraph.

"It is not unfrequently the case that subjects which have been presented in the ministrations of the Sabbath, are called up by the prisoners themselves during the *daily visitation* in their cells, and thus the opportunity is furnished of impressing upon their minds, when alone, that *heavenly truth* which may ultimately bring them to repentance and to God. In this feature of the *separate system*, one of its principal excellencies consists. The prisoner, by himself, separated from all vicious influences, is far better prepared to receive and retain wholesome instruction than when surrounded by men of a moral cast like his own. If the reformation of convicts be accomplished at all, it must be done, as a general rule, by those moral influences which are made to reach him, *when* and *where* intercourse with the vicious is cut off. In this situation he will listen, reflect and reform."

III. The New Jersey Penitentiary, at Trenton, received 108 convicts during the year just past; and had 176 in confinement December 31, 1848, which is 23 more than at the close of 1847. Of the 85 discharged during the year, 71 had completed their sentences, twelve were pardoned, (two on the day before their sentence expired,) and two died. Of 176 in confinement at the date of the report, 99 were received in 1848, and 38 in 1847. Eighty-six were for crimes against property, 142 for a first offence, 127 were under middle age and 42 were foreigners. In respect to color, 123 were whites,

(114 males and 9 females,) and 53 were colored, (one a female.) Sixty-six had no trade or occupation. The available means of the prison, at the close of the year, were upwards of six thousand dollars.

The physician's report states, that "but *one* death occurred during the year and that a suicide. From diseases contracted within the prison, (where there are under discipline 260 persons,) do not average one a year." The physician says, that "all experience has proved steam to be the best carrier of heat, and by far the most certain and economical." p. 43.

The report of the Rev. Mr. Starr, (the moral instructor,) is quite a valuable and intelligent document. We cannot refrain from copying a single paragraph, touching the advantages of separation as an element of prison discipline, especially in its relations to moral and religious instruction.

"The chances of amendment under the separate system, duly sustained, must be incalculably greater than where companies of men are congregated in their workshops. The plan is severe; but, to use a paradoxical phrase, it is a *mild severity*. The less abandoned are shut out from association with the hardened, who may have spent years in familiarity with crime. Each man has his books and his thoughts and his conscience for companions. His keepers, his physician when in sickness, his moral instructor, the superintendent of his daily labor, he soon learns all are *his friends*. A great deal is in their power, through the pleasant look, the friendly salutation, and the kind interest manifested in those little alleviations which in no degree interfere with the strictest and most wholesome discipline. The prisoner's self-respect will thus be encouraged and cultivated, as he sees that he is not by all the world regarded in the light of a hopeless outcast. He may be inspired with the noble ambition of regaining his character, and leading in future a reputable life. Such like benefits can be extended with four-fold advantage in the separate plan of imprisonment, while its solitude is relieved by the kind offices of a sympathizing friendship."

IV. The inspectors of the Massachusetts State prison at Charlestown, make a very favorable report of the health of body and mind of the convicts under their care. "The favorite system of congregate labor and lenient discipline, established in our prison," they say, "has fully answered the high expectations of its most zealous advocates. Every year brings

with its new proofs of its practicability, and of its great superiority over any and every other that differs from it."

None will dissent, we presume, from the remark of the inspectors, that "it should be remembered by all those who are intrusted with the high prerogative of administering punishment, that the convict in the prison is sentenced by the law to expiate his crime by confinement and hard labor, and that every degree of punishment beyond what is needful for the due execution of this sentence, and the attainment of the best ends to be answered by it, is excessive, is beyond the sentence and intention of the law, and is without law or justice."

The number of convicts received during the year ending September 30, 1848, was 122; number discharged during the year 129; remaining, 281. Of those discharged, 94 were by expiration and 27 by remission of sentence, 2 were removed to the lunatic asylum, 2 escaped, and 3 died. Of the 281 in prison, 22 are negroes, and 8 mulattoes, 203 are below middle age, and 228 are for crimes against property! Seventy-one are foreigners, of whom 30 are from Ireland. Of the employments, 72 are stone-cutters, 20 blacksmiths, 69 cabinet-makers and upholsterers, 21 brush makers, 9 "solitary prison-sweepers."

The report of the warden concerning the twenty-seven who were (during the year) pardoned, is very encouraging. "All but one are doing well—are obtaining a livelihood by honest labor, and are becoming respected citizens in the communities where they reside." Forty volumes have been purchased during the year for the use of the prisoners, among which we notice the Autobiography of Goethe, Bushnell's Christian Nurture, and Vestiges of Natural History.

The warden is of opinion that the lives of the three prisoners who died was prolonged by their imprisonment, as they had been long diseased!

The prison suffered a serious loss by fire during the year, and from this and other causes the revenue of the institution is less than the expenses by \$4,242 79.

The physician's report is a modest and sensible document, evidently prepared with care. The sickness of the prison would be represented by an average of four patients a day in the hospital. Four hundred and twenty-five days of light

labor were prescribed during the year, and about the same number of changes of labor. The general average of convicts during the year was 287; and Dr. Bemis thinks his report shows "a fair average degree of health fully equal to that of the community at large; and vastly superior to what would have been enjoyed by the same class of men in pursuit of their usual modes of living when at large."—p. 21.

The three deaths were of consumption.

The following remarkable statement from the physician's report, we cannot refrain from transferring to our pages.

"The average period of imprisonment of all those sentenced for life to the State Prison, since 1818, (amounting to 125,) has not exceeded seven years. Nineteen of this number have died in the Prison after an average confinement of seven years."

The supply of a substantial suit of clothes and a sum of money, not exceeding five dollars, to each discharged convict, occasioned an expenditure last year of more than five hundred dollars. In consequence of the frequent instances in which the money thus furnished is spent indiscreetly, it has lately been proposed in the Legislature to entrust the dispensation of this bounty to the "Boston Society for the relief of discharged convicts," and a bill was introduced for that purpose. We have not learned its fate. From a cotemporary print we learn that, in consequence of the great increase in the number of convicts at the Charlestown prison, it has become necessary to use other accommodations than those which belong to the prison proper.* The chief cause assigned for this increase is intemperance.

State Prison of Michigan.—It is said that 128 convicts are confined in the Michigan State Prison, and that the annual deficiency in the receipts ranges from \$5,000 to \$10,000. The Governor thinks that this sum is not more than a reasonable profit upon convict-labor, considering what is made in other State Penitentiaries within his knowledge!

* Boston Correspondence of the New York Recorder, January 1849.

NOTICES.

No. 1.—*Institutions for the Insane.*

We have upon our table, the reports for the year 1848-9 of the Pennsylvania Hospital for the Insane, (the eighth,) of the Massachusetts State Lunatic Asylum, (the sixteenth,) of the New York State Lunatic Asylum, (the sixth,) of the Physician and Superintendent of the M'Lean Asylum for the Insane at Somerville, Massachusetts, (the thirty-first,) and of the New Jersey State Lunatic Asylum, (the second.) The first and fourth are on private, and the other three on a public foundation.

1. We suppose the first in our list combines as many of the substantial advantages for the treatment of patients of this class, as any institution in the world, and we are happy to know, that the prominent principles which have been recognized in its structure and economy, have been adopted in asylums of the latest date. The hospital has been quite full during the whole year, and yet the health of the patients has been remarkably good. The present arrangements are fitted to accommodate 200 patients, and provision will soon be made for receiving 20 more. It is certainly desirable to extend the benefits of such an institution to as large a number as can divide without diminishing the aggregate of good, but we quite concur with Dr. Kirkbride in the opinion, that a larger number than 220 could not be well received in one building, nor receive due attention from one medical officer—"a daily visit to all the wards, and a daily supervision of all the departments by its official head, being exceedingly desirable in every institution for the insane." Seven of the seventeen deaths during the year, "occurred within a fortnight after the patients' admission," and only one had been more than a year in the asylum.

Of 1391 patients admitted to this hospital, 725 were under middle age, (35 years,) and 666 over. Of 773 male patients, the leading occupations were as follows:—farmers, 115; merchants, 66; laborers, 62; clerks, 50; carpenters, 30; shoemakers, 22; physicians, 19; seamen and watermen, 19; teachers, 17; tailors, 15; students, 15; no occupation, 108.

Of 618 females, 66 were seamstresses or mantua-makers, and 64 domestics; store-keepers and attendants in stores, 12, and teachers, 9. Of single females, not pursuing a regular employment, 29 were daughters of farmers, and 29 daughters of merchants. Of the married, 57 were wives of farmers; 39 of laborers; 35 of merchants; 23 of clerks. Of the 618, 244 were single, 296 married and 88 widows. And of the 1391, 773 were natives of Pennsylvania; 91 of New Jersey; 197 from other of the United States; 340 from foreign parts, of whom 169 were from Ireland!

The most productive cause of insanity, as shown by the returns, is inter-

perance, 84; the next is mental anxiety, 69; grief for loss of friends, &c., 69; then comes the loss of property, 67; religious excitement, 56; domestic difficulties, 45, and *unascertained*, 563! In 907 of the cases, insanity appeared before middle age, leaving 384 only developed after that period.

The plan of detached cottages for a particular class of patients, continues to be an approved feature of the arrangements; and among the valuable improvements of the last year is the erection of a museum and reading-room on an eligible site. The building is 46 feet by 24, with a piazza, and the interior is furnished with interesting and valuable cabinets in natural science, as well as with newspapers, maps, periodicals, pamphlets, &c. On the interesting topics of society, instruction, and moral treatment, and the arrangements for heating and ventilation, much valuable information is furnished. The annual receipts and expenses are balanced with the sum of *twenty-six cents*, and the cost of each patient per week, including every thing, is \$3 88. The amount expended on *free patients* during the year is \$7,666 88. This is unalloyed charity.

2. The State Hospital at Worcester, (Massachusetts,) under the care of Dr. Chandler, was overflowing with patients, though fifteen new rooms were added during the year. The average number for the year was 404, and the number of dormitories 360 only. The number of foreigners in the hospital at the close of 1842 was 34, at the close of 1847 it was 121, and at the close of 1848 it was 150!

Dr. Chandler is of opinion, that it would not be judicious to enlarge the present hospital, but he would rather erect a new one, and separate the sexes. He thinks three small hospitals, in different sections of the State, would have some advantage over a large one.

The whole number of patients admitted from January 1833, to November 30, 1848, is 3064, of whom 1433 were discharged cured, 416 improved, and 272 died. Of the patients admitted last year, 154 were under middle age, and 255 above, showing a very different result from that which we have stated above at the Pennsylvania hospital. Of the whole number received at Worcester, the cause of insanity in 322 cases is supposed to have been intemperance; in 266 domestic affliction; in 233 religious views, and in 161 self-abuse. Hereditary tendencies to insanity were traced in 691 cases. Fifteen hundred and sixty-one were single, one thousand two hundred and thirty-two married, one hundred and ninety-nine widows, and eighty-six widowers. Dr. C. thinks it very clear that the sympathies and motives to action, which the domestic relations supply, are all but indispensable to keep the whole system of mind and body in a healthful state. If we understand the report of the trustees, the cost to the State of each patient is \$2 33½.

3. The report of the New York State Lunatic Asylum established at Utica, was made to the Legislature, February 1, 1849. During the six years since it was opened, it has had an annual average of 335 patients. The whole number under care during 1848, was 877, of whom 495 were remov-

ed at the end of the year. Judges of county courts have authority to send to the asylum any person who becomes insane and whose estate is insufficient for the support of himself and family; and the county is chargeable with the expenses of his restoration, if it is effected within the space of two years. Six hundred and twenty-nine of this class have been received into the institution since it was opened, and have thus been partakers of the most seasonable and appropriate charity which the public can bestow. These have been among the most hopeful subjects of hospital treatment, and would have suffered most for want of it.

The hospital is lighted by 280 burners from gas manufactured on the premises. The expense of work, fixtures, &c., was \$5,346 48,—and this mode of lighting, is regarded not only as safer and more secure and pleasant, but as cheaper than the former mode. The price of board and hospital care, to patients who are chargeable to towns or counties, is \$2 per week. Pay patients are charged from \$2 50 to \$4 per week, according to the accommodations they receive. The receipts of the year fully meet the current expenses.

Of 382 discharges during the year, 189 were men and 193 were women: 174 were cured, (viz., 87 men and 87 women,) and 84 were improved. There were 86 deaths. Some salutary cautions are given respecting the removal of distant patients to the hospital, especially in sudden and acute cases of insanity, and where they are in a weak or diseased state, and exposed to much suffering and fatigue on the journey. The opinion of a judicious physician should be taken before the attempt to remove them is made. Other and equally important cautions are given against delaying to send such as are clearly deranged, merely because they are monomaniacs, or not violent, nor very excitable. "Those cases of insanity that are most improperly and most frequently neglected and kept at home until they are incurable, are unattended by much excitement; those that come on very gradually, unperceived for a long time, excepting by the most intimate acquaintances," (p. 20.)

Of the whole number, (2,014,) 1017 were men, and 997 women; 1213 became insane before middle life, and 801 after that period. Of the 1017 men, 437 were farmers and 133 laborers, 57 merchants and 51 scholars; and of the 997 women, 853 were employed at house-work, or were without any special trade or employment; 45 were school girls; 30 tailoresses; 24 instructresses; 21 milliners; 16 mantua-makers, 7 factory-girls, and 1 music-teacher. As to their civil condition, 957 were single; 937 married; 83 widows; and 39 widowers. 1417 were natives of New York, and 300 were from foreign lands.

Among the causes of insanity, are religious anxiety 178, loss of property 96, sickness and death of kindred 74, excessive study 51, intemperance 67, Millerism 36, disappointed in love 53, abuse by husband 28, blows on the head 24, fright 24, excessive labor 33, anxiety about absent friends, 18. Among the amusements of the patients, debates, tableaux, singing and

dancing, and theatrical performances. Of the whole number, (2014,) 251, (108 men and 143 women,) were disposed to suicide. This variety of insanity is by no means the most incurable. On the contrary, some of the most permanent and complete recoveries, are from this form of disease. From a register kept by Dr. Bingham for four years at this hospital, of all the suicides occurring in the State of New York, and noticed in the public prints, it appears that 74 cases occurred in 1845, 64 in 1846, 106 in 1847, and 88 in 1848.

In relation to hereditary insanity, the report shows that of the 2014 patients received at the institution, 637 are known to have insane relatives, and 273 are known to have had insane parents, or nearly 1 in 7. Dr. Brigham expresses the opinion that *all other causes combined have not so much influence in producing insanity, as the transmission of the disease from parents to their offspring*, p. 36. In other words, that the exciting causes would be inadequate to produce insanity, but for the inherent constitutional tendency to it. Dr. B. also declares his belief, that there is more insanity in this country than in any other, especially in the northern and eastern States, and that it is *fearfully on the increase*, p. 38.

Some valuable suggestions respecting the prevalent causes of insanity and the means of obviating them, are thrown out, and are entitled to the earnest and studious regard of parents and teachers, as well as of professional circles.

4. In the *M'Lean Asylum* there were received during the year 1848, 153 patients, (71 males and 72 females.) Dismissed, 155, (87 males, 68 females,) of whom 82 were restored, (55 males, and 37 females.) There were 23 deaths during the year. The total number of patients received from 1837, is 1696. The average of the first six years of this term was 115, and the average of the second six years, was 166. Of the whole number, 884 were discharged as cured, and 184 died. The report enters at much length, into a history of the construction of the buildings, and of the recent alterations, amounting almost to a reconstruction of the largest and most modern building on the male side.

In conjunction with these alterations, a new heating and ventilating apparatus has been introduced, and as we know the very great solicitude that is felt in respect to this point by those who are commissioned to devise the plan and oversee the construction of such edifices, we extract so much of the report as relates to it.

"Every room has a hot air and a foul air flue opening in it, the entrance being protected by an ornamental grate, and the galleries have five or six flues of each kind opening in them, in order that the diffusion may be general. The flues are twelve by twelve, and twelve by nine inches in size.

"The pure supplies of air are received into a large reservoir or space in the basement between the walls forming the sides of the galleries above, and in which both kinds of flues are built. This main air channel has an area of at least fifteen feet, and terminates externally in a low tower, fully exposed to the passing air.

"The heater is a vertical boiler on the tubular plan, about eight feet in

height and thirty inches in diameter. The fuel (anthracite) is placed within the boiler, and that is so placed within the reservoir before named, that only a small part of it, required to receive the fuel, is left outside.

"On each side of the reservoir of air, is a construction consisting of six longitudinal chambers one above the other, the whole length of it. The lower three, separated from the upper three by a brick arch and from each other by partitions of wood, are the ventilating channels receiving at intervals the flues from above and finally terminating beneath the exhausting shaft, to be described.

"The upper range consists of the three channels for hot air. Both of these ranges are so arranged that a channel answers to a story above, and thus each story of the house has its heating and ventilation entirely independent of any other.

"Each hot air channel has a pair of four inch cast iron water pipes connected with spiggot joints and iron cement; one end of each comes off the boiler near the top, and the other or return end, enters the boiler on the other side, near its bottom. The hot and cold ends of each pair of pipes are on opposite sides, in order that the average heat at any place where the air is delivered above may be the same. The three pair of pipes receive and return their water, through tubes reduced to two inches diameter, as recommended by Mr. Hood, the highest authority on this class of subjects, and at the same level. The degree of curvature essential in this form of connection, was expected to make a difference in the velocity of the circulating fluid, and consequent temperature at which the water would be found in the different ranges. Practically no material difference is remarked. The radiating pipes cross at the bottom of the cold air reservoir. The air flows in to impinge upon them through arched spaces left in the front of the channels, looking towards the reservoir. Every flue for hot or foul air is commanded by a slide readily approached below.

"The heated air is always admitted near the ceiling to obviate any contamination at its point of delivery. The foul air is drawn off near the wash-board, any impurities there deposited being drawn down, but not into the room. The diffusion of the air, where an adequate exhaustive power is provided, is also much favored by being thus turned in its course, and the lower stratum is not uncomfortably cool to the feet,—a common objection to the usual method of receiving and withdrawing the supplies.

"The foul air channels into which the flues from each story open, do not come together, until just as they pass under the foot of the ventilating shaft or chimney, which through the agency of a cast iron pipe, a foot in diameter in the middle of the shaft, running up fifty feet and receiving the smoke from the furnaces, constitutes the moving power. This shaft is built of brick in a useless angle where the two buildings approached each other, and has an internal diameter, it being a circle, of about six feet at its basis a few feet below the cellar floor, and terminates in one of the original chimney stacks at the corner of the foundation of the dome, height of about seventy-five feet, and with about one half its size at bottom. A deviation of a few feet from the perpendicular was inevitable at about two-thirds its length. It is carefully plastered or *pargetted* within. As its upper opening was commanded by the spherical dome, endangering the regurgitation of wind at certain times, it was surmounted with a form of chimney-cap, figured in Mr. Tredgold's works some forty years since, and being essentially that recently introduced into considerable use in this vicinity.

"As a cure for smoky chimneys, this cap has considerable efficiency, but is regarded as of very trifling moment as far as suction or exhaustion from below is required. For its power is too feeble at all times, for such an amount of ventilation as an insane hospital requires, and depends wholly on the fluctuation currents of external air. If the upper range of bricks had been laid with a bevel upwards, and a plain plate of metal placed on four

short legs a few inches above, it would have answered equally well and at a tenth of the cost. The rarefaction produced by the heat radiated from the central iron smoke pipe occasions a partial vacuum, instantly filled from the rooms behind.

"The whole length of cast iron hot water pipe is about 600 feet, and with the portion of the heater within the main air cell or reservoir, and the smaller wrought iron tubes connecting the extremes of each of the six pipes with the upper and lower ends of the boiler, constitutes a radiating surface of over 700 square feet. The effective fire surface of the boiler is probably about 30 superficial feet, and about 60,000 cubic feet of space above in the three corridors, and the rooms opening upon them, are to be heated.

"The amount of anthracite consumed in the twenty-four hours of our coldest weather, is not far from 400 lbs.; the water in the extremities of the pipes receiving it from the heater, rarely exceeds 180° F. and falls off about 20° at its point of re-entering.

"All these expressions, however, are quite indefinite without taking into consideration the extent of change required in the air. It is obvious that by closing the damper which commands the ventilating shaft, the relations of temperature of the air, and of the pipes would at once sympathize. With the active power of the shaft, it is certain that any possible amount of ventilation may be attained. Indeed, it is probable that the present shaft is equal to the demands of the remainder of the male wing in addition. The escape of the steam pump is injected into the centre of the ventilating space, giving us, for some hours daily, the aid of this recently adopted and exceedingly efficient means of ventilation.

"While a sufficient time has not yet elapsed to stamp our apparatus with the seal of experience, the only test of such appliances in the mechanical arts, yet we are authorized to declare that, as far it has been tried, it promises all that could be desired in supplying a full, certain, and manageable amount of air, in its highest hygienic conditions.

"The cost of getting up a complete system of hot-water warming and exhaustive ventilation in a country where few examples or approximate specimens are to be found—in a climate which nullifies all European experience—where all parties, suggesters and mechanics, are obliged to acquire a certain experience as they go along, must be much greater than when this subject shall be well understood and generally adopted, as it eventually cannot fail to be. Independent of making the flues and ventilating chimney, items which in new undertakings would naturally come under the head of construction account, the expense of our undertaking will fall considerably below a thousand dollars, and we are satisfied that with the experience acquired in this single trial, it could be gone over again at a very considerable reduction of cost."

We have left ourselves but a finger's breadth of room for a notice of the report of the *N. Jersey State Lunatic Asylum* at Trenton, rendered December 1948. It is accompanied by a view and ground plan of the buildings, which were opened for patients on the 15th of May last, under the superintendence of Dr. H. A. Buttolph. They are designed for the accommodation of 200 patients, and in their general structure and arrangement accord with those of the Pennsylvania Hospital already noticed. The asylum occupies a most eligible site, about two miles north-west of the public buildings, surrounded by a choice farm of 111 acres, with an unfailing supply of fine soft water, and a beautiful grove in the rear, thus affording abundant room for hospital purposes, and embracing every variety of scenery and spacious pleasure grounds for the use of the patients. The various fixtures for warming, ventilating and lighting, as

well as the arrangements for cooking, washing, bathing, &c., are after the most improved models, and are described with interesting and intelligible minuteness in the report, an examination of which we would recommend to all who are seeking information on the subject. The number received during the year was 86, of whom 83 remained in the asylum at the date of the report. A large proportion of the number received were chronic cases, which are generally very numerous at the opening of such institutions. Of the 86, 27 were under middle age; 52 were single and 30 married. Of their occupations, 22 of the men were farmers, and 16 of the women were house-keepers. An hereditary tendency to insanity was traced in 18 of the 86 cases, or about as 1 to 5.

SUMMARY OF PRINCIPAL FACTS.

| | Admitted during the year. | Discharged or died during the year. | Remaining at date of report. | Cured. | Deaths. |
|----------------|---------------------------|-------------------------------------|------------------------------|--------|---------|
| Pennsylvania, | 215 | 203 | 200 | 120 | 17 |
| New Jersey,* | 86 | 3 | 83 | 3 | 0 |
| New York, | 405 | 382 | 495 | 174 | 86† |
| Massachusetts, | 261 | 246 | 409 | 136 | 30 |

VIRGINIA.—The Eastern Insane Asylum of Virginia is established at Williamsburg, and the Western at Staunton. At the former were received in 1848, 34 patients, 15 males and 19 females. The number under care, October 1, 1848, was 165. Aggregate of inmates during the year 198; discharged 6 males and 10 females; deaths 17, (8 males and 9 females.) Spacious additions to the buildings are now in progress, a portion of which will be appropriated to colored patients. The receipts of the year were \$41,350 64, and the expenditures \$29,716 89.

At the latter institution were received during the year ending October 1, 1848, 70, (39 males and 31 females,) making an aggregate of 277 under care during the year. There were discharged in the same time 50 patients, of whom 40 were recovered, (21 males and 19 females,) and 7 more or less improved; 2 were unimproved, 1 eloped, and 22 died.

Among the causes assigned for insanity, we notice hard study is given in the case of 11 males and 1 female, intemperance 16 males, and domestic affliction 6 males and 18 females. Seven thousand dollars have been expended lately in new buildings.

* Opened May 15, 1848.

† 39 of dysentery in August and September.

No. 2.—*The precise present character of transportation explained, with suggestions by Ignotus.*

We observe in our English papers a brief notice of a pamphlet of fifty pages, published in London a short time since, advocating some important modifications of the transportation system. As we regard the system itself too near extinction to render any modifications of it particularly valuable or interesting, we notice the publication only for the sake of what the author says about *convict-separation*. We take, by piece-meal, the whole extract of the English reviewer, venturing a brief comment on some passages.

"This sort of confinement (separation) has, of late years, been extravagantly commended by some, and as loudly reprobated by others. The truth seems to lie between the two extreme opinions. (A position which truth has long been supposed to occupy.) We are led, by our own observations, to value it but little as an *active agency* for reforming criminals, but to allow it a high place as auxiliary, in general, to that which is reformatory in the highest degree, *Christian instruction in the hands of Christian men.*"

We are not aware of any system of prison discipline that possesses or pretends to possess an "active agency for reforming criminals," independent of Christian instruction. We imprison men to punish them, and we think the "*active agency*" of punishment is quickened by separation. And hence we hold, that apart from reformatory influences, separation during imprisonment is preferable to association, considered merely as a punishment. When, however, we introduce the agency which is "reformatory in the highest degree," (to wit, "*Christian instruction in the hands of Christian men,*") the comparative fitness of the two modes of imprisonment to receive and employ it, is at once revealed, and, as "Ignotus" says, the separation of the convicts is then seen to occupy a high place as an auxiliary to its influence.

"The separate system is free, certainly, from many things which impede the reformation of criminals; from the perpetual distrust and perpetual punishment which are necessary to enforce *silence* in *association*, and from the grosser vices of the older style of prisons, mutual contamination and hardening in villany. It allows a return to feelings of self-respect. It removes all possibility of combination for evil purposes, and prevents the exertion of that fascinating influence which the practised villain exerts so destructively over the novice in crime. It protects the penitent, in his first desires and efforts to return to God. It is something, also, as regards others less hopeful, even for a time, effectually to break the chain of their evil habits, and to compel the mind, however reluctant, to turn inwards and reflect, until the dormant powers of conscience be aroused. Beyond this it does not seem to go in producing amendment; and we are persuaded, that if the benign and saving influence of our divine religion were withdrawn from a prison on the separate plan, not a single inmate would ever leave its walls a whit more reformed than from any other."

We think the friends of separation could scarcely ask for a more favorable exhibit of its advantages than *Ignotus* gives. It certainly places that system far in advance of any and all others as the basis of reformation.

And while we readily admit that it is but a basis, and that higher and better influences must be relied on to make it efficient as a means of reformation, we cannot agree with the author, that convicts from a separate prison are not likely to leave its walls a whit more reformed than convicts from Newgate or from Blackwell's Island. To keep bad men apart must always, under all circumstances, be more conducive to their reform, than to suffer their intercommunication. If "the benign and saving influence of our divine religion," were withdrawn from the city of London or New York, it would become a pandemonium; but no one would say, that if each man, woman and child, were separated from every other man, woman and child by an impassable gulf, the degree of corruption would not be essentially reduced. Close association breeds the plague of cities—comparative separation keeps the country clean and wholesome. The analogies of the moral and natural world are very obvious in this respect.

"If it be thought, from what has been written of late years on the subject, that a greater efficacy should be attributed to separate confinement, let it be borne in mind, that coterminaneously with its adoption in any prison, there has been very much greater care taken than ever used to be in the selection of officers to superintend the discipline, and to convey moral and religious instruction to the prisoners. Wherever Christianity has been brought to bear upon criminals, in its real power and blessedness, good has been accomplished under the most untoward circumstances; sinners have been brought to Christ and salvation; and the mass, if not converted unto God, have been marvellously civilized. This was manifested by the success which followed the self-denying labors of Mrs. Fry, and other pious persons in Newgate; of that eminent man Dr. Browning, in so many convict ships; of Sir Edward Parry, who labored like a missionary amongst his *assigned* convict servants, at Port Stephen's; of Colonel Demaresq, also acting in the same spirit, under the same circumstances, at St. Helier's and St. Aubyn's; and of Sarah Martin, in the gaol of Yarmouth, of whose unwearied and blessed labors the Government Inspector, Captain Williams, makes such honorable mention in several reports. The superior mind of a person invested with authority, may exercise a most salutary influence upon any class of human beings, but Christian doctrine, and Christian character *consistent enough to stand the scrutiny of the bad*, accomplish greater things; and the lower any are sunken, the more commanding is this influence upon their minds."

We presume the prevailing sentiments of this passage, will meet a hearty response from all our readers. We are in no danger of attributing too much efficacy to the power of the truth over the mind when it has access to it. It may be questioned, however, whether its influence is not greatly hindered, and sometimes completely obstructed, by the debasing vices of convicts. We are not quite prepared to admit, that the lower the human mind sinks, the more commanding is the influence upon it of Christian doctrine and Christian character, though we would regard no case as beyond the reach of such an influence.

"The *combination* of pious Christian zeal with good judgment and a knowledge of human nature, in the head of any prison establishment, we are convinced is more likely to lead to the reformation of its inmates, than any *system* of discipline *without it*. It has the blessing of God, "without whom

| | | | |
|--|---|---|-----|
| Children who belong to some school, but are truants, | - | - | 106 |
| Boys regularly employed in Bowling saloons, | - | - | 139 |
| Children who do not attend any school nor have any lawful calling, | - | - | 821 |
| Children who do not attend school for want of clothing, books, &c. | - | - | 129 |
| Children of widows, | - | - | 238 |
| Children with fathers but no mothers, | - | - | 29 |
| Children, orphans, | - | - | 54 |

Their ages are as follows:

| | | | | | |
|-------------------|---|---|---|---|-----|
| Six years of age, | - | - | - | - | 39 |
| Seven " " | - | - | - | - | 53 |
| Eight " " | - | - | - | - | 79 |
| Nine " " | - | - | - | - | 77 |
| Ten " " | - | - | - | - | 121 |
| Eleven " " | - | - | - | - | 111 |
| Twelve " " | - | - | - | - | 176 |
| Thirteen " " | - | - | - | - | 141 |
| Fourteen " " | - | - | - | - | 143 |
| Fifteen " " | - | - | - | - | 80 |
| Sixteen " " | - | - | - | - | 56 |

"My opinion is, that of the whole number, from eight to nine hundred (from neglect and their bad habits) are not fit to enter any of our present schools.

"From the best information which I can obtain, I am satisfied that the whole number in the City at the present time, (including the above number,) is not less than fifteen hundred of the same class as those described.

"And I earnestly call your attention to them, and the necessity of providing some means to have these children properly brought up, either at public or private expense; for I am satisfied that it will cost the State and City more for Police, Courts and Prisons, if they are suffered to go at large, than it would, to take them now, maintain them and make them useful citizens.

"The State Reform School at Westborough, will be a great benefit. Out of fifty-eight boys that have been sent there, thirty-four have gone from this City. But I am of opinion that the law is defective that waits until the child '*shall be convicted of any offence known to the Laws of this Commonwealth and punishable by imprisonment*' before he can be sent there.

"Very few parents are willing to complain of and testify to the bad conduct of their children, knowing that such testimony will deprive them of their services.

"I am satisfied that the system heretofore pursued by the City Government of licensing minors to sell papers, and other small articles, is an injury to them.

"During the year 1846, out of 112 minors arrested for larceny, and carried before the Courts, 46 were news-boys. During the year 1847, out of 112 minors, 58 were news-boys.

"During the year 1847, out of 30 licensed, six were brought in for larceny during one week.

"There is evidently a great increase of crime among minors. The Police books show that the number arrested and brought in, is more than one hundred each quarter.

"The following extract is from the City School Report for the year 1847.

"Does the instruction provided by the City reach all those persons for whom it is intended? This question suggests itself to every one who observes the apparently great number of children, at large, in school hours, in almost every part of the City.

"It is not difficult to find out what are the occupations of many of these children. They are hawkers of papers, or sellers of matches,—most of the

time occupied in quarreling and gambling. They are beggars, male and female, strolling from street to street, through lanes, by-ways and alleys, practicing the elementary lessons of pilfering, lying, deception and theft. They may be seen wherever wooden structures are in the process of building, repairing, or tearing down;—seeking for fragments of wood to which they evidently feel they have a very questionable right. They are the loafers on wharves and in all the modes of juvenile vice. Are these children in the way to become useful citizens or happy and respectable men? Are they not growing up to be the occupants of jails and almshouses? Are they not in a course of education for worthlessness and crime?

“ ‘Let us see what answer the records of the courts of justice make to these questions.

“ ‘There are, on an average, 74 inmates of the House of Reformation; nearly the same number in the school on Thompson’s Island; and, for the year ending in November last, 456, under age, had been inmates of the jails.

“ ‘In reference to providing instruction for this great mass of uneducated children, our *system* is not defective. Sufficient provision is now made for the instruction of those children who have passed the age at which they are admissible into the primary schools, and who are not qualified for the grammar schools. The number of this class is rapidly increasing, and is likely to increase still more. Our system was contrived and adapted to a small city, peopled by persons born in New England, and always enjoying and disposed to avail themselves of the advantages of the free-school system of these States. But some (no?) provision has been made for the vast accessions to our population by immigration from foreign countries of persons of every age, and of every condition of ignorance. Our system of government supposes educated citizens; and will not be safe unless our citizens are more or less educated. Now there are great masses coming in upon us who are not educated, except to vice and crime; the creatures or the victims of the justice or the oppression, or the over-population of the old world. For the education of these, adult and juvenile, not only must provision be made, but means must be used to render the provision effective. It is not enough to say that provision is made for their education, if they will avail themselves of it at a proper time. Unless they are made inmates of our schools, many of them will become inmates of our prisons; and it is vastly more economical to educate them in the former than to support them in the latter. The annual cost of educating an individual at the public schools is from six to twenty dollars. The annual cost of the support of an individual in the House of Reformation, the cheapest of all such institutions, is forty-four dollars, and in the House of Correction probably not less than one hundred dollars; and in this estimate is not included the great expense of the administration of criminal law, much of which might be prevented by the proper education of these children.

“ ‘It is a defect in the organization of this (School) Board, that there is now no person connected with and acting under direction of the Board, to ascertain what children of the legal age are not in the schools, and to use measures to bring them there. This Board is the only one which has, officially, a knowledge of the numbers of children in the schools and of those who ought to be there. It is the one whose duty it is to provide means for the education of all the children. It would be well if it could have authority not only to use means to bring wandering children into the schools, but to provide for the instruction of those portions of the adult population who are without, and who desire elementary instruction,—that is, instruction in reading, writing and accounts.’

“ ‘I know of no one thing,’ says the City Marshal, “that is so much needed as a proper home for idle and vagrant *female* children, the ascertained number of which class is 184. There are, undoubtedly, 300 of the

same character now in the City, they may be seen at the entrance of every public building and every great thoroughfare, peddling small articles or begging, and insulting every person who refuses to buy, or give when asked. Many of them have been so long neglected, that they are familiar with crime in its worst forms, but against whom it is difficult to procure evidence, and when procured, the only place they can be sent to, is to the House of Correction or House of Industry for short terms, and then they are suffered to go at large without a proper home or friends to care for them.

"In regard to habitual truants from the schools, I am satisfied that the powers of the Courts, and the City authorities, are entirely *inadequate* to meet the evil. The late Mayor directed me to detail some officer whose whole duty it should be to look after the truants that were reported to him, by the masters of the several schools.

"From the report of the officer detailed for this purpose, I make the following extract:

"During the year that I have had the charge of Truants, I have been called upon by the teachers of the Grammar and other Schools, to nearly 300 truant and idle children; and for want of some system by which to be governed, my practice has been as far as possible adapted to the circumstances of the case. I first call upon the parents, find out their condition and the character of the boy complained of, in order to know how to proceed with him; admonish him, and always in the first instance take him back to the school to which he belongs. In many cases this course has been sufficient. If called again to the same boy, by the consent of the parents, I have locked him up for a few hours, and given him to understand that a complaint against him would remain on file to be proceeded with if he again offends. This, sometimes, has been enough, but not often. After taking a boy to School two or three times, and he finds that nothing further is done, the Police-man's badge and staff have no terrors for him. The reason, I think, is this. The law does not reach his case—the Courts say he is not a vagrant, because he has a home—and he is not a stubborn and disobedient child within the meaning of the statute. He is disobedient only so far as he is a truant; and there is no law against truancy. I have been into Court with a number of such cases and did not succeed in sustaining the complaint. The decision was almost fatal to the boy, and a great injury to the School to which he belonged. The only course left for us after this, was to watch the boy until we could arrest him for some trifling offence *known to the law*, and have him punished, which seemed to be necessary for the good of the boy, as well as the School."

"The above statistics have been obtained in the following manner. During *school hours* the officer has visited the wharves, public thoroughfares, and all other places where these children congregate, and by kind treatment and persuasion, learned their names and residence, then gone with them to their homes and ascertained their condition, and that of their parents, a record of which is now in this office, and to which additions are daily made."

This brief history of juvenile vagrancy in the city of Boston, whose school system has been so long and justly regarded as her chief glory, will not surprise those who are familiar with scenes at the wharves, railway-stations and steamboat landings of New York, Philadelphia and Baltimore. Innumerable specimens of the same class of young renegades may be seen also at the doors or in the vestibules of public houses in the large inland towns; and unless some mild compulsory process is devised to form them to better habits, it is certain that a severe one will be demanded to protect the community against their violence and depredations.

No. 4.—*The London Christian Observer's notice of Rev. Mr. Field's work on the advantages of the separate system of imprisonment.*

In our last number we inserted, entire, an article on Mr. Field's work, from the "London Medical and Chirurgical Review." The February (1849) number of the *London Christian Observer* devotes ten or fifteen pages to it, and inclines "to agree to a considerable extent in the author's opinion, that the separate system is superior, not only to every other system that has hitherto been tried, but also to any that shall be, or can be hereafter devised." This is rather more than we should be willing to say of any human device, but we are glad to see an English periodical of so much influence and reputation committing itself so heartily to the right side.

The "Observer" has strangely fallen into the notion, that absolute solitude without labor or instruction, was ever adopted *as a system of discipline in the United States*. He speaks of "our good friends in the United States," as having run into the extreme of "entire solitude for six or ten months together in prisons of the most wretched description," but when the effects were seen, "the system was abandoned at once." He expresses thankfulness, that this dreadful system was never tried in England, but that they have been permitted to learn better by the experience of their neighbors. There is no doubt, that studious efforts have been made by the opponents of separation in our country to confound it with solitude, and to give the impression, that whatever evils are imagined or proved to result from the latter, are necessarily incident to the former. But we should have looked for a little more discrimination in the *Observer*, and for evidence of more thorough knowledge on a subject of so much interest. Indeed, we might almost suppose, that the needful supply of knowledge and discrimination is at hand, when the inquiry affects the good repute of the "sea girt isle," and only fails when the institutions of "young America" are presented for review.

"We come now," says the *Observer*, "to the separate system as we have it *amongst ourselves*, and we must request our readers to bear in mind, that this system is essentially different from the *Solitary*, properly so called—different in its objects, in its working, in its effects. The separate cell is but the sick room, in which the morally diseased is put under treatment for such time as his case requires. The solitary cell is (or rather was, for it no longer exists among civilized nations) the grave; where the patient is left as being past treatment and without hope of recovery. Yet the two methods have been, and are confounded, and the failure of the one, with all its attendant circumstances of horror, is used blindly or unscrupulously as an argument against the other."—p. 129–30.

It is this "blind or unscrupulous" confounding of solitude and its effects, with separation and its fruits, that constitutes one of the crying sins against humanity, for which we think the anti-separatists will be called to account.

"We are sorry that we cannot follow Mr. Field through his description of the system of instruction, and its effects on the prisoners in general. His work abounds in examples of the ignorant instructed, the profligate reclaim-

ed, the hardened convict subdued, the weak-minded set firm in good principles; and almost all thankful for the discipline they have undergone, and setting out afresh in this world of trials, with, at all events, new strength and better principles. Mrs. Fry, indeed, regarding man as adapted for a state of trial, argued against the system* as one that takes the convict away from trial altogether; but surely, there are stages and states in the moral life, when the discipline of solitude and reflexion is absolutely required; just as the body, though its intended sphere of action may be the air and the light, may absolutely require total seclusion from both, must be placed in bed, and take sharp medicines, instead of taking exercise and facing the weather. To say nothing of the fact, that a crowded prison-yard can scarcely be regarded as a *fair* field of probation for any man.

"Altogether, we regard the present state of things with respect to this whole subject as affording a ground of great encouragement and thankfulness to God; and as opening prospects of large social improvement both at home and in the Colonies: for the wretched system of transportation, the plan of peopling new lands with the outcasts of the old, seems to have received its deathblow from the introduction of wholesome discipline at home. There are a few minor differences to be adjusted regarding the treatment of convicts, the length of their separate confinement, and the mode of disposing of them for the rest of their sentence; but the principle is now fairly admitted, that the prison is to be a place of severe moral and religious discipline. The office of a gaol chaplain, instead of being the most loathsome and repulsive that a clergyman could hold, is now a work full of interest and promise and hope, bringing often a speedy return for labor. Sarah Martin, the pious needlewoman of Yarmouth, who passed her life among the wretched inhabitants of the gaol, would indeed have rejoiced, if she could have accompanied as we have done, the zealous Chaplain of one of these new gaols along the clean, light, well-aired corridor, and entered with him into one cell after another, where the prisoner welcomed him cheerfully and respectfully, repeating his few verses of psalm or hymn—a voluntary task—and listened thankfully for the kind admonition or encouragement of perhaps the first friend he ever knew. It seems as if God had raised up men on purpose for the work. We are personally acquainted with some Gaol Chaplains, and have read the Reports of many, and believe, in most cases they are men of energy, discernment and piety. If we have a fault to find with them, it is, that from their experience of visible effects speedily and uniformly produced on those who are under their charge, they come to speak and write as if the reformation of a sinner were a matter of certainty, provided only a sufficient time is allowed. We are aware, that this is only an apparent error, for no man would be more ready than Mr. Field to acknowledge the absolute necessity of the power of the Holy Spirit in any work of genuine reformation."

No. 5.—*Kentucky State Penitentiary.*

A friend has kindly forwarded to us a copy of the annual report of the keeper, clerk, &c., of the Kentucky Penitentiary, for the year 1848. It is located at Frankfort, and as the reports indicate, is administered with much success. We have noted a few items of general interest.

It was formerly the custom to *shave the head* of every convict *once a week*. This humiliating process was required by law, but, at the suggestion of the present keeper, it was so modified, as to leave it to the discretion

* Mrs. Fry's views, when fairly presented and properly understood, were altogether in favor of separation, and can never be justly cited against it.

of the keeper to shave or not to shave. The good effects of the measure were at once manifest. We are not told to what extent the practice now prevails, but are left to infer that it is only adopted as a mode of punishment. There can be no doubt, we think, that all methods of humbling or subduing a convict which savour of vindictiveness, or occasion a needless violation of a natural and proper self-respect, are to be deprecated. External badges of infamy and degradation may be needful sometimes as a precaution against escapes, or for the recapture of convicts, but it is a great advantage to be able to dispense with them.

The average number of convicts in confinement at the date of the report, was 161, and the clear profits upon their earnings during the year, were eight or nine thousand dollars. The bagging business has been found dull, and very extensive preparations are now made for cooping.

The number of convicts received during the year ending December 1, 1848, was *sixty-nine*, and the number discharged by PARDON during the same time was THIRTY-THREE, or nearly half as many pardons as commitments. This number is exclusive of five who were pardoned the day before the expiration of their sentence, to restore them to citizenship. All the convicts are males, and only 16 of the 161, are colored; and 128 were convictions of crime against property, and only twenty-five of the sentences exceed seven years. Nine of the convicts are from Ireland, and nine from other foreign countries, leaving 143 native Americans; 97 are under 30 years of age; 114 habitually or occasionally intemperate; 47 utterly destitute of any degree of education; and 80 were never married. From a review of the prison history for a period of 13 years, it appears that the largest number received in any one year, was 81, (1842,) and the smallest, 49, (1837;) the number of convicts received during the 13 years from the 88 counties of the State, was 877, of whom 383 were from the county of Jefferson alone, of which Louisville is the shire-town. Of the 877 convictions, 551 were for crimes against property, or against the person for property. Of the 877, only eleven were females. The number of cases of disease occurring during the year, was 244, of which 128 were cured. Days lost by sickness during the year, 1664.

No. 6.—*An Inquiry into the Alleged Tendency of the Separation of Convicts, one from the other, to Produce Disease and Derangement.* By A CITIZEN OF PENNSYLVANIA. Philadelphia, E. C. & J. Biddle, 1849.

The questions involved in this inquiry and the elaborate manner in which they are handled in it, forbid a short or superficial notice of its contents; and hence we must ask for farther time to enable us to study, compare and collate, before we attempt to analyze the work for the use of our readers. If, however, in the mean time, they should choose to read and think for themselves in the premises, by a careful perusal of this "Inquiry," we are safe in saying that the time will be well spent and the labor fully rewarded.

No. 7.—*New York Eye and Ear Infirmary.*

The report of this humane institution for 1848, (the 28th of its existence,) states that there were received during the year, 1,945 new patients being 565 more than were received in 1846. There remained under treatment, January 1, 1849, 129; and of 2,074 prescribed for during the year, 1,370 were cured, 147 were relieved, 33 declined treatment, 11 were discharged as incurable, the result of 34 were not ascertained, and 220 remained under treatment. Diseases of the ear, 130.

Of the patients, there were born in the United States 827; in foreign countries 1,118!

A free institution for the blind, is about to be opened in Jacksonville, Illinois. The State supports it by a special tax.

No. 8.—*Shelter for Colored Orphans.*

For thirteen years, a quiet and useful charity, known as the "Shelter," has been provided for a portion of the colored orphan children of Philadelphia. At the date of the twelfth report there were 56 children under care, and twelve were received during the year; while 9 were apprenticed and 3 died. There were in the house, January 1849, 53 children. Dr. Casper Wistar attended and administered to the institution gratuitously, during a season of severe sickness from the measles, in the progress of which thirty-six were under medical care!

No. 9.—*Paupers and Prisoners in Cincinnati.*

It is stated in the public prints, that the admissions to the Cincinnati city hospital in the year 1848, were over 3000; and two-thirds of them foreigners. In the number were 152 lunatics.

"Admissions to the Jail, during the year, 776, of whom 742 were intemperate, 17 under 18 years of age, and 66 females. Of these 776, 35 were sent to the Penitentiary, and 741, 'turned loose, without friends or employment, to prey upon society again—a portion of them serving awhile in the Chain-gang first.'"

No. 10.—*Insane Asylum in North Carolina.*

We understand that the act establishing a hospital for the insane at Raleigh, provides for a tax of one and three-fourths of a cent on every hundred dollars valuation of land, and five and a quarter cents on the poll, to be levied for the space of four years, to raise the money to construct and furnish the building—the County Courts during the said time to have power to make a proportionate reduction of the poor tax in their respective counties.

No. 11.—*Corrupt Police.*

In a charge lately given by one of the Judges of the Court of Quarter Sessions for the city and county of Philadelphia, some passages occur, the implication of which is very far from being creditable to the police-gentry, and is, moreover, rather startling to the lovers of peace and security.

“So long as there is collision between police officers and criminals, crime will continue, and it will be difficult to suppress it. If police officers will suppress evidence against the perpetrators of offences; if they will associate and correspond with criminals, and participate in the fruits of robbery, crime will continue to increase, because the chances for escape are great. In some of the *Incorporated* Districts it is believed, the police force is efficient and useful.”

This makes the whole matter so vague as to aggravate, rather than alleviate apprehensions.

In the same charge, the magistrate is represented as saying, that “if there were no pardons there would be but few convictions.” Is it possible that the indulgence of executive clemency is so frequent as to make juries careless or forward to convict from the impression that their verdict will be reviewed under an application for pardon?

We confess we had no idea that the exercise of the pardoning power had been such, either in character or extent, as to warrant a statement like the following from the same source:

“If any one will look at the records of conviction throughout the State for the last fifteen years, and then at the list of pardons, and the history and convictions of the convicts, it will be found, that rarely has a criminal served out the period of his sentence, if he were a person of *wealth* or previous influence, or who had wealthy connections, or friends and relations of great political influence. While no one can doubt that every Executive has been honest and sincere in the exercise of this power, yet the unseen effect of money and political relations enables the convict to surround the governor with influences which he does not resist.”

Can the yielding to such influences be regarded as consistent with “honesty and sincerity” in the exercise of the Executive prerogative?

“The principles on which pardons are often obtained, are, in my opinion, incorrect. The Executive generally hears but one side of the case—the one presented by the criminal—while the Court and Jury hear both sides. The case of the prisoner is always strongly stated in his favor, and that backed by the influence of friends or *hired agents*, and the incautious signing by citizens of a petition for pardon, usually produces the result of a liberation from that sentence.

“Nothing tends more to the suppression of crime than the certainty of punishment, no matter how short. Let people once be convinced that criminals will be punished as the law provides, and we should find the number of crimes rapidly diminishing.

We think much of the principle here asserted, but it is perhaps made to carry too much weight for its bottom.

TERMS:—ONE DOLLAR A YEAR IN ADVANCE.

THE
PENNSYLVANIA JOURNAL
OF
PRISON DISCIPLINE
AND
PHILANTHROPY.

PUBLISHED QUARTERLY

UNDER THE DIRECTION OF "THE PHILADELPHIA SOCIETY FOR ALLEVIATING
THE MISERIES OF PUBLIC PRISONS," INSTITUTED 1787.

VOL. IV.—NO. III.

JULY, 1849.

PHILADELPHIA:
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SOUTHWEST CORNER OF FIFTH AND MINOR STREETS.
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1849.

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C O N S T I T U T I O N

OF THE

“Philadelphia Society for Alleviating the Miseries of Public Prisons.”

WHEN we consider that the obligations of benevolence, which are founded on the precepts and examples of the Author of Christianity, are not cancelled by the follies or crimes of our fellow-creatures: and when we reflect upon the miseries which penury, hunger, cold, unnecessary severity, unwholesome apartments, and guilt, (the usual attendants of prisons,) involve with them, it becomes us to extend our compassion to that part of mankind who are the subjects of those miseries. By the aid of humanity, their undue and illegal sufferings may be prevented; the links which should bind the whole family of mankind together, under all circumstances, be preserved unbroken; and such degrees and modes of punishment may be discovered and suggested, as may, instead of continuing habits of vice, become the means of restoring our fellow-creatures to virtue and happiness. From a conviction of the truth and obligation of these principles, the subscribers have associated themselves under the title of “THE PHILADELPHIA SOCIETY FOR ALLEVIATING THE MISERIES OF PUBLIC PRISONS.”

For effecting these purposes, they have adopted the following CONSTITUTION.

ARTICLE I.—The officers of the Society shall consist of a President, two Vice-Presidents, two Secretaries, a Treasurer, two Counsellors, and an Acting Committee, all of whom, except the Acting Committee, shall be chosen annually, by ballot, on the second Second-day, called Monday, in the month called January.

(See 3d page of Cover.)



JULY, 1849.

VOL. IV.—NO. III.

**ART. I.—DOCUMENTS RELATING TO THE MASSACHUSETTS
STATE REFORM SCHOOL.**

Second Annual Report of the Trustees to the Executive.—By-laws for the government of the Institution.—Laws and Resolves for the establishment of the State Reform School.—Report of Commissioners for erecting buildings.—Address at the Dedication of the State Reform School, December 7, 1848, by Emory Washburn.—Second Report of Commissioners for erecting buildings.

IN a former number, we noticed briefly the condition of several institutions in our country, for the custody and training of *juvenile delinquents*. We are disposed, (did not our narrow limits forbid it,) to enter somewhat minutely into the principles which should govern the projectors of establishments of this class, and the ends which they should aim to reach. We think, serious mischiefs have grown out of the attempts to combine objects which are quite incongruous. The process which is adapted to correct a thievish propensity, may be quite inappropriate to reduce a stubborn temper; and that which is sufficiently energetic to train a child of tender years to habits of obedience and attention, may be entirely ineffectual to curb the violence of long-indulged passion, or to intimidate the precocious disturber of the public peace. The institution named at the head of our present article, differs in sundry essential features, from any other of which we have knowledge, in this country or elsewhere, and introduces a new grade of corrective influences applicable especially to juvenile offenders. It is believed to be the first State institution of this kind in our

country. It is eminently of the *preventive* class, and as such, deserves the quick attention of all who are interested in the subject of penal discipline. For there seems to be a very general concurrence in the opinion, that juvenile depravity is increasing among us both in extent and impudence.

"Whoever has been familiar with our criminal courts," (says Judge Washburn,) "cannot have failed to mark the increase of crime of late, especially among the young. I doubt if a term of these courts passes, in our larger cities, in which children, and those too, of a tender age, are not arraigned before them. Often and often is the heart pained at the spectacle of boys, with the open and ingenuous countenances that give so much of its charm to that age, and with all the interesting associations which cluster around childhood, standing up amidst old and hardened villains, and receiving, like them, the sentence of an ignominious punishment."

And to the same effect, Judge Kelly of Philadelphia, remarks in his address to the grand jury at the April term (1849,) of the Quarter Sessions :—

"Nobody connected with our penal institutions, or engaged in the administration of the criminal law, can have failed to notice the increasing proportion of youthful offenders. It has been the duty of this Court to direct the Sheriff to take possession of the apparatus, and nail up the doors of the houses of three of the county fire companies within the last year; and in every instance the offenders have been gangs of well grown boys, or young men recently escaped from the restraints of apprenticeship, and not yet heartily engaged in the pursuits of manhood. These are the materials of which the clubs known as Rangers, Bouncers, Rats, Killers, &c., are composed. Like similar clubs in London two centuries ago, they infest our suburbs, annoying citizens and violating the law from mere wantonness. They have, however, furnished the perpetrators of the greater number of burglaries that have been committed in this county in the last three years. Many of these crimes seem also to have been perpetrated without motive. In several instances the burglars, after deranging the furniture, left written messages for the occupants of the premises, and departed without gain. In these and other cases they seem to have been prompted to the act by a mere lawless love of adventure. The gangs which two years ago perpetrated many burglaries, and invariably left written information that 'Jack Sheppard had

been about,' (most of whom are now happily in prison,) were representatives of rival clubs, four of the members of which were twenty years of age.

"This is an evil which will grow if a judicious preventive is not found and applied. We are eminently a manufacturing people, and must therefore congregate about us an annually increasing number of juvenile workers. The period of apprenticeship is the season of life when the curiosity and the appetite for pleasure are keenest, when the passions are least controlled by judgment, and when we are most easily and effectually moulded by the influences around us, and nothing is more certain than that, if the community does not provide instructive and refining pleasures, for those who, at this dangerous point in life, are released at once from the restraints of school and home, they will partake of such as they can find. The street corner may do them for the summer evening and holiday, but they will escape from the inclemency of the winter into the shelter of the hose or engine house, the beer shop or bar-room, the dance-house or brothel.—This is a growing evil."

As a specimen of no inconsiderable class abounding in New York, the public prints present us with a boy seventeen years of age, who was found hidden in a rubbish box in the New York Custom House, by the porter, recently :

"He had concealed himself with a view to a robbery. He had about him, 'The Life of Monroe Edwards, the Forger,' and other biographies of distinguished felons, a pair of Colt's revolving pistols, loaded and capped, a flask of powder, bullets and moulds, a box of matches, two pieces of sperm candle, a pair of false whiskers and moustaches, a piece of yellow ochre, used to discolor the skin and make one look older, a small phial of chloroform and a sponge, and \$45 in gold. In some of his pockets small pieces of paper were found, directions, copied in neat writing, giving the manner to alter the complexion, to write invisible, &c., and likewise two small memorandum books, in one of which were written ciphers, and the other had been kept as a diary since November 16. He turned out to be a boy who had been advertised as 'missing.' The father came and said his son used to be a good boy, but had latterly been ruined by reading bad books. The boy robbed his father of \$160 and fled. His book contains a list of all the jewelry stores in New York, and all the great rogues in the country."

In London, as we all know, thousands of boys are systemati-

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cally trained to felonious habits. Many have no place which they regard as a home. Some sleep, night after night, in the open air, and others in sewers, porticos, cellar-ways, markets, carts, &c. Lord Ashley was informed by a boy, that he passed one winter in the iron roller in the Regent's Park, and that he invited another boy, not so well provided for, to share it with him!

A London paper, now before us, thus alludes to the various forms in which young rogues are apprenticed and employed.

"When lads run away from home, they go to a lodging-house, and if they (the parents) look for them, the lodging-house keeper hides them. If a lad once gets into one of them, it's all up with him; for he sees them drinking and card-playing, and hears them talking of the places they have been in. These lodging-houses are, indeed, schools of crime. A city missionary thus describes one of them:—'The parlor,' as it is called, 'measures 18 feet by 10 feet; beds are ranged on each side, composed of straw, rags, and shavings. Here, in this room, are 27 males and females, and 31 children—58 human beings in this contracted space, from which light and air are systematically excluded. It is impossible to give a just idea of the state of the place. The quantity of the vermin is astonishing. In a few moments I felt them dropping on my hat from the ceiling; they may be gathered in handfulls. As to water, there is nothing of the sort; and one of the inmates broke a (street) lamp in order to be sent to prison, which he knew would procure him a cleansing.'

"Some time ago a disclosure was made before one of the courts of a foul and wicked establishment in Brick-lane, where a notorious man named Fagin kept a lodging-house for boys, and daily despatched them, with all the authority and precision of a general officer commanding his men, to their appointed tasks of fraud or violence.

"It is difficult to convey an adequate notion of the variety and extent of juvenile delinquency. It is notorious that older pickpockets are always on the alert, looking out for the sharpest boys from their neighborhoods, whom they teach, and set on to take the risk of crime, themselves reaping the profits. Thus a child committing a theft is dexterously covered by one older than himself, while perhaps the spoil is conveyed to a second child, who instantly withdraws. Women cloaked for this purpose secure much by such auxiliaries. Often, however, the hazard is dared single-handed, and the spoil is captured in safety."

The number of criminals under twenty years of age committed to prison in Great Britain in 1835, was 6,803, or one in 449 of the population between ten and twenty years old, while in 1844 the number of the same class of convicts was 11,348, or one in 304 of the same class of population, and in a proportion of one girl to seven boys. The result of Lord Ashley's late inquiries is, that in London alone there are at least 30,000 destitute children; and according to the last return of the metropolitan police, one in every 14 of these children is committed for trial in the course of the year.

The late *Rev. Whitworth Russell*, well known as an intelligent and indefatigable inspector of public prisons in England, advocated and urged the division of that country into thirteen districts, for the purpose of opening, in each, a penal school for juvenile offenders. Indeed, it was contended, that as a matter of simple economy, the establishment of such schools would be found a wise investment of the public treasure. To support this position it was stated :

"That at Stretton-upon-Dunsmore, the cost of reforming a boy is, on an average, about 26*l.*; while the average cost of transporting boys is 33*l.* 15*s.* 10*d.* a-head. The success attendant upon many of the Agricultural Industrial Schools established under the authority of the Poor-Law Commissioners, proves that land so occupied and cultivated can be made to produce a nett profit beyond cost. Of this fact the Bridgenorth Union School in Shropshire affords a remarkable example, that under able supervision, the labor of children may be made most profitable. The accounts of one year—that of 1846—were such as left a clear balance of above 70*l.*, after every expense attendant on the farm, including the rent and taxes paid for the ground, had been defrayed. It appears from this that the actual profit of such an establishment may be calculated at the rate of about 15*l.* per acre, or at about 3*l.* per head on the boys above ten years of age employed in its cultivation. True that this establishment is under the control and inspection of one of the ablest agriculturists of the day; but there is scarcely now a county in England that could not produce a nucleus of scientific agriculturists, willing and able to form working committees to the Penal School of their districts. Further, an establishment of this nature, consisting, we will say, of 1000 to 1500 children, of relative proportions of sex, would be so subdivided into *homes* under distinct management, (as is the case at Mettray,) and with a certain allotment

of land, as to afford all the benefits found to arise from the cultivation of small farms; whilst the aggregate produce of the whole, the rotation of crops, the draining, the levelling—in a word, all the higher scientific operations, as well as the breeding and amount of stock—being under the control of the Directory Board, there would be added to these lesser ones all the great general benefits found to arise from farming on a large scale. In fact such establishments might be made the great practical agricultural schools of the districts. To such places improved agricultural machinery might be sent for trial, and the amount of labor at command would permit of a garden-like culture highly desirable where the methods pursued are advanced experimental ones, and where it is desirable to test the full capabilities of the soil, and bring into practice Liebig's magnificent axiom, '*Cultivation is the economy of force.*'

"In combination with agriculture, as the chief occupation of the inmates of such establishments, especially in reference to physical training, other trades would be followed. Tailoring, carpentering, shoemaking, blacksmiths' and painters' work, in their points of necessary usefulness, would all give a variety and stimulus to industry, and materially carry forward the higher parts of mental education. This education, based on sound moral and religious principles, enlarged and fitted not to the social condition, the foregone crime, the actual destitution, but to the elements that constitute the individual, would go far towards producing excellence out of criminality, correcting social divergences, and bringing them within the province of that order so necessary to the well-being of communities, and converting what was obnoxious, costly, and destructive to the State, into the main principle of its order, its strength, its progress."

In Judge Washburn's address it is assumed *that*, that at least three hundred boys (under twenty years of age,) are sentenced to prison for crime, within the Commonwealth of Massachusetts. "The only alternative in the distinction of such unhappy youth (out of the city of Boston,) was the gaol, with idleness and profligacy on the one hand,—or the House of Correction, with labor and hopeless corruption on the other." In the county of Suffolk alone, during eight months of the year 1847, one hundred and one boys under the age of twenty, were committed to the House of Reformation; and during six and a half months of the same year, fifty-five of the same class were sentenced to the House of Correction.

It was obviously the duty, and for the interest of the State

to provide a proper place for the reception of such offenders, and in April, 1846, the Legislature, by resolve, authorized the Executive to appoint three Commissioners to purchase a farm of not less than fifty acres, which should serve as "an eligible site for a manual labor school, for the employment, instruction, and reformation of juvenile offenders—regard being had, in the selection thereof, to the centre of population, cheapness of living, and facility of access."

In January following, the commissioners, Hon. Messrs. A. D. Foster, Robert Rantoul, and Samuel H. Walley, Esquires, reported the purchase of a farm in the town of Westborough, thirty-five miles west of Boston, and two or three miles north of the Worcester and Boston Rail-road, one-hundred and eighty acres in extent, adjacent to and overlooking a beautiful sheet of clear pure water, thirty feet deep, and covering one-hundred and seventy-eight and a half acres of ground. The farm cost \$9,000, and a benevolent gentleman, unknown to the public, was so much interested in the project, that he made a donation of \$10,000 to promote it, and promised a second donation of \$5,000, or \$10,000 more, provided the State would contribute a like amount, and provided also, that so large a sum could be profitably used in forwarding the design of the school. In communicating his noble offer, the donor expresses his conviction that, "no measure, costing an equal amount of money, care and attention could have been devised, that will in the end, diminish, to a greater extent, vice, crime and suffering in the Commonwealth."

This desirable result is to be sought, as the Commissioners say, "by taking those who might otherwise be subjected to the degradation of prison discipline—and separating them from vicious influences—teach them their duty to God and their fellow-beings, prepare them to earn an honest livelihood by honorable industry in some trade or agricultural employment, and give them such an intellectual education, as will fit them properly to discharge the common business of life."

"In every town, there are some, in the cities and large towns many, who exercise no salutary control over their children. Vicious or thriftless themselves, their children follow their example. And, in that tender age, when the mind and heart

most easily yield to the guidance of others, these children and youth become "offenders" against good morals and the laws of their country, hardened against truth and duty, and subject themselves to the stern penalty of the law. How often have the hearts of judges and jurors been moved with pity, when they have been obliged to condemn and sentence to ignominious punishment some bright, intelligent boy, who was born and reared under such inauspicious circumstances! How often has such a boy become a fiend, when he should have been a man,—at war with society himself, and society at war with him; but, yet, who might have been reclaimed by such an institution as the one now proposed, and thus become a good member of society!"

And in another connection they justly remark, that

"Of the many and valuable institutions sustained, in whole or in part, from the public treasury, we may safely say that none is of more importance, or holds a more intimate connection with the future prosperity and moral integrity of the community, than one which promises to take neglected, wayward, wandering, idle and vicious boys, with perverse minds and corrupted hearts, and cleanse, and purify, and reform them, and thus send them forth, in the erectness of manhood, and the beauty of virtue, educated and prepared to be industrious, useful, and virtuous citizens."

The outline of the plan of the structure, and of the discipline to be pursued in it, is seen in the following passage of the Commissioners report:

"This is not to be called a prison or a penitentiary; it is a school for juvenile reform. In order, therefore, to remove, as far as possible, every thing which is calculated to attach the disgrace of penitentiary punishment to those who may be sent there, we propose to give, to the external appearance of the buildings, as little that of a prison as is consistent with entire security from escape. Those who will be sent to this school will generally have formed roving habits, and, with them, restraint will be irksome, and the desire of escape strong. No hope can be entertained of exercising a reformatory influence over them, until they are fully satisfied that they are so far confined, guarded, and watched, that they must conform to rules. This requires strong buildings, enclosing sufficient space to furnish all the necessary accommodations, and shops within it, or buildings in a yard, surrounded by a high wall. Believ-

ing that the appearance will be more cheerful and inviting, and equal or superior accommodations afforded, the commissioners prefer and recommend, that there be no exterior wall, but that the buildings form the protecting enclosure. It is to be presumed and expected that, after the inmates have been, for some time, under discipline and instruction, classes can be formed of lads who may, with safety, be trusted to work in the garden and on the farm, relying upon the moral influence exercised, and upon constant inspection, to restrain them from escape. But this cannot be wholly relied upon, in any case, at first. It is, therefore, desirable to make the arrangements of the buildings such as, with few attendants, will secure constant, unintermitted supervision."

The Commissioners satisfied themselves, that three hundred was the largest number of inmates that could be properly cared for in such an institution, and that only boys should be admitted. The reasons for the latter decision are, to our minds, perfectly conclusive. The limit of age is not fixed, definitively, by the report of the Commissioners. The reformatory character of the school being always kept in view, they think those who are received should be only such as are, in some degree, hopeful subjects of reformatory influences.

"Of course, those who are adults in stature and hardened in crime, are scarcely to be considered suitable associates for those of more tender years. Yet, there is such variety in stature, temperament, and character, among persons of the same age, that it is difficult to select any one age as the limit, either maximum or minimum. In a majority of cases, boys over sixteen years of age would be unsuitable subjects, and the general rule, it is thought, should be, not to send boys over that age to this place. But, subject to the power of rejection, to be vested in the Trustees in certain cases, it is proposed to authorize the commitment to this institution of all boys who make themselves amenable to the penalty of the law for any and all crimes. If they can be reformed thoroughly, their offences should not be remembered against them; if they cannot, the law should protect society against their malicious dispositions and wicked conduct. Some may doubt whether it be right to send, to such an institution, those who are convicted of the more aggravated crimes. But, many times, such crimes are committed by children, under the instigation of older persons, and they may be as hopeful subjects of reformatory influences, as children, of like age, who are guilty of

minor offences, under less temptation. It is, therefore, only acting with humanity and benevolence, to endeavor to reform them; and it is neither humane nor benevolent to desire the vengeance of the law to rest upon their heads."

The act of the Legislature under which the institution is now conducted, was past April 9, 1847, and vests the whole care and government thereof, in a board of seven trustees, appointed by the Executive.

It provides that when any boy under the age of sixteen years shall be convicted of any offence, known to the laws of this Commonwealth, and punishable by imprisonment, other than such as may be punished by imprisonment for life, the court of justice, as the case may be, before whom such conviction shall be had, may, at their discretion, sentence such boy to the State Reform School, or to such punishment as is now provided by law for the same offence. And if the sentence shall be to the Reform School, then it shall be in the alternative, to the State Reform School, or to such punishment as would have been awarded if this act had not been passed.

Any boy, so convicted and sent to said school, shall there be kept, disciplined, instructed, employed, and governed, under the direction of said board of trustees, until he shall be either reformed and discharged, or shall be bound out by said trustees, according to their by-laws, or shall be remanded to prison under the sentence of the court as incorrigible, upon information of the trustees, as hereinafter provided.

If any boy shall, upon any conviction, be sentenced to said school, and the trustees, or any two of them in the absence of the others, shall deem it inexpedient to receive him, or if he shall be found incorrigible, or his continuance in the school shall be deemed prejudicial to the management and discipline thereof, they shall certify the same upon the mittimus by virtue of which he is held, which mittimus, together with the boy, shall be delivered to the sheriff of any county, or his deputy, or to the constable of any town, who shall forthwith commit said boy to the jail, house of correction, or State prison, as the case may be, in pursuance of the alternative sentence provided for in the preceding section of this act.

All commitments to this institution of boys, of whatever age when committed, shall be for a term not longer than during their minority, nor less than one year, unless sooner discharged by order of the trustees, as hereinbefore provided: and whenever any boy shall be discharged therefrom by the expiration of his term of commitment, or as reformed, or as having

arrived at the age of twenty-one years, such discharge shall be a full and complete release from all penalties and disabilities which may have been created by such sentence.

The first inmates of the house, twenty-three in number, were received on the first day of November 1848, and in the last report of the Commissioners, dated February, 1849, the premises are described as follows :—

The buildings are so constructed as to enclose an area, or court, for a playground, which is one hundred and eighteen feet long, and eighty-four feet four inches wide, in the centre of which is a shed for shelter to the boys in foul weather.

The external walls of the buildings are one hundred and sixty feet in front, and in the rear ; and two hundred feet on each side. The wings are two stories, the centre building three stories, and two towers five stories high.

In the centre building, are apartments for the superintendent and his family ; rooms for other persons employed ; the chapel ; and the office, which, being lighted from the court, gives opportunity for constant inspection of the boys while at play. Opposite the office, in the centre building, are seven solitary dormitories for discipline.

In the east wing, are apartments for the steward and his family, the kitchen, washing and ironing rooms, sewing rooms, store rooms, hospital, and dormitories for boys. In the west wing, are two large school rooms with contiguous recitation rooms and dormitories, as in the east wing.

In the rear, the second story is one large room designed for a workshop, with a movable partition, that no more room may be warmed than is occupied. It is reached by stairs from a corridor opening on the court. The first story is occupied by the refectory, which is connected by a door with the kitchen ; by an arched passage-way ten feet wide, affording an entrance from without to the court, and closed by gates ; by a room for coal and wood ; a bathing-room, in which are facilities for cold and warm bathing, and for regular ablutions ; and the water-closets, which all open into, or are connected with, a drain, that takes all the wash of the establishment to a reservoir for compost built at some rods distant.

The dormitories are for one bed each, and are four feet wide, eight feet long, and seven feet high ; the doors all open upon the large hall appropriated to them, and the upper half of each door is composed of vertical iron rods, giving opportunity for oversight and ventilation ; each dormitory has a ventilating flue, communicating with the attic, and so with the external

air, through Emerson's ventilators. Those dormitories which are on the side next the court have sliding windows of 6 x 8 glass, with cast-iron guards corresponding to the sash of the windows.

For those boys who do not occupy dormitories, bunks, standing in the hall, in front of the dormitories, will be used, an attendant occupying a bed in the same hall.

In each wing, two rooms, of the size of the dormitories, are appropriated to water-closets, fitted with apparatus to cleanse and carry off, to the common drain, all the deposits. These are designed for night use only.

The foundations of the buildings are of stone, the walls of brick, the roof slated.

The sash of the outside windows was made for glass of seven by nine inches, and the iron guards were made to correspond. Experiment proves that boys can escape through that space. It became necessary to provide a remedy, and arrangements are making to cover each window with a wrought-iron netting.

The commissioners have furnished the buildings for the superintendent's and steward's families, and for one hundred and five boys. The school-room has been furnished with desks and chairs of an approved model, each pupil having a chair; each desk accommodating two pupils, and being made open at the ends, for books, and having on the top an inkstand permanently set. The room is warmed by Clark's ventilating stove.

About seventy thousand dollars have been expended on the premises. An adjoining farm has been purchased and presented to the institution by the unknown donor, to whose liberality it was before so largely indebted, and every thing betokens a career of great usefulness and prosperity.

We observe by the second annual report of the Trustees, (December 27, 1848,) that some inconvenience is apprehended, from the shortness of the period of confinement to which the inmates are sentenced.

"The great purpose of the government in establishing it is to place juvenile delinquents here, that, by right education and proper discipline, they may be reformed and restored to virtue and usefulness. To effect this object, we think they should be sent to continue here *during their minority*; that this was the intention of the framers of the law, and should be the rule of administering it, unless there should appear in the particular case some special reason for deviating from it. In some of the

commitments already made, where the time for remaining here is the same as, or scarcely more than, that provided for the punishment in the alternative sentence, it seems to us that the intention of the law cannot be carried into full effect; that, before their good habits can be confirmed, they will be sent back to their former associates and temptations, and be liable to relapse into vice and wickedness again."

This suggestion of the Trustees, fully corroborates the views of the Superintendent of the Philadelphia House of Refuge,* —that in order to secure the benefits of a reformatory process, time must be given for the moral habits to suffer a radical and thorough change. New motives must be brought into play, and the whole body, soul and spirit of the child, must be inured to wholesome discipline.

Respecting the internal order and discipline of the institution, we have been favored with the following brief statement.

Our School was opened for the reception of boys on the first day of November last, since which time, (up to February 5, 1849,) we have received sixty-one boys, between the ages of seven and sixteen years. [Since increased to 122.]

Our diet is plain and simple. We never stint the boys in their food. Their breakfast, is chocolate and wheat bread; dinner, rice and molasses once a week, beef soup twice, baked beef twice, salt fish once, pork and beans once;—vegetables, brown bread and water, on each day. Corned beef boiled, is occasionally supplied as a change. Condiments allowed, are salt, pepper and vinegar. Their supper, is wheat bread and milk, or hot water and milk sweetened. On Sabbath evenings, gingerbread in addition. Fruit is freely given in its season.

Our discipline, is as far as possible, parental. We endeavor to manage, instruct and govern our boys, as a judicious parent would, a large family. By cultivating the social sentiments—uniting with them in their proper recreation—inviting them to ride with us when business calls us away—having occasionally, a social gathering of the most deserving in the Superintendent's parlor, or inviting them to take tea with him, &c.,—allow them, as a reward of merit, excursions on our beautiful pond, or upon the ice with skates and sleds, and with other innocent and healthful sports.

We endeavor to raise their self-respect, by confiding in them as far as can be done with any degree of safety, even to

* See our April Number, page 55.

trust them in situations where they may escape, and no instance of a breach of trust has yet occurred. This leads them to feel that the road to prosperity and respectability is open before them,—that there are those who feel interested in their welfare, and that they are not shut up in prison to punish them for their crimes, but secluded from the world, to benefit them, and prepare them for usefulness hereafter. We feel that there is an important point gained, when a boy seems to have some other object in view, than the mere release from confinement. The question is asked by them, *Can I yet rise to respectability in the community?* Without a proper motive, little permanent good will result from their discipline.

Our system of punishment, is by grades, which the principal used, in a similar institution, for several years, and heartily approves, as highly effectual in securing good government. Our school is divided into four grades, which are re-organized weekly, in accordance with their daily conduct as exhibited by the daily record. As a punishment, they are degraded from a higher to a lower grade, and for encouragement, promoted from a lower to a higher. In the lowest grade, they are punished corporally, or by confinement. In the execution of punishment, we do not carry it into effect at the moment of the offence, but all cases of discipline are written down by the person in charge, and at 7½ o'clock, P. M., the officers and boys are assembled, when all cases of discipline or acts for commendation, are distinctly read in the presence of all the boys, when, if the pupil wishes, he can make any respectful explanation, express penitence for the past, or promise amendment for the future. At this time, also, the record of their conduct is entered upon the daily register. From the facts contained in this register, the grades are re-organized at the close of each week.

We have a regular chaplain, who, also, has the charge of the school. Religious exercises are held on the morning and evening of each day; and all suitable occasions are improved to impart moral and religious instruction.

All the boys are employed six hours a day, in two sessions of three hours each. Some at manufacturing shoes; some on the farm, and others in cooking, scrubbing, and making their garments. All the washing, ironing, cooking and domestic work are done by the boys; also the making and mending their clothes.

The description we have given of the plan and design of the institution, and of its internal economy, imperfect as it is, will, (with the aid of the beautiful view and plans which accompany it,) give our readers a just idea of it. We shall look with

great interest for the annual reports of its success, and trust it will prepare the way for more vigorous and well-directed efforts for the suppression of juvenile vagrancy, insubordination and crime.

It is obvious, however, that the range of our penal institutions is still incomplete. *We have no prison for young convicts.* We have at best, only places into which we take those youth who are on their way to prison. Our Houses of Refuge or Reformation, (including that of which the present article treats,) come between the young transgressor and the statutereward of his evil deeds, and force him into a new state of probation. This is very well. The provision is wise. It is highly economical, and has been surprisingly successful. The Massachusetts State Manual Labor School, differs from all other establishments of this class, in that it receives only convicts, and holds them, by a sort of commutation, with the understanding that if the milder process applied there proves inadequate or inappropriate, the original sentence is to take effect. This is a prodigious help to the support of good discipline, and a heavy endorsement of other motives to reform,—but it does not in itself supply one of the most important elements of punishment, viz., suffering. A large proportion of the children and youth in all these institutions, have more and far better food,—better lodging,—better apparel,—better treatment in all respects, than they ever had at home. Freedom of locomotion excepted, they are advanced in every point of comfort and enjoyment, by their present lodgings. We do not advocate any change in this respect in existing establishments, but we greatly desire to see an institution among us, strictly *penal* in its character—adopting the principle of SEPARATION as its distinguishing feature, and yet so modified and combined, as to fit it to the physical and moral state of young convicts. Of the necessity of such a prison—of the peculiarity of its discipline,—and of the evils that we suffer for want of it, we may perhaps say something in a future paper.

ART. II.—THE COST, IN PENITENTIARY PUNISHMENT.*

The subject of the expense of maintaining penitentiaries on the several systems of penal jurisprudence, has from time to time occupied the attention of the friends of each system. In the various suggestions which have been made as to the relative merits or demerits of the separate and the congregate plans, the pecuniary features have had a prominent place. It has been contended, that the cost of supporting prisoners in the Pennsylvania Penitentiary at Philadelphia, is too severe a tax for the people, and as the cost of this support is greater in amount than in some other States, therefore the separate system is objectionable.

In some of the states of the Union, the prisoners in the gaols are leased or hired out to contractors, who pay so much a year for the labor of the convicts, and then employ them for the sole object of making money for the contractor. So barbarous a mode of reducing the tax, is unworthy an enlightened, humane or even civilized community. In Pennsylvania a far different course is adopted. True, it is not so heathen, and therefore, perhaps, more expensive.

Very many efforts have been made to reduce the costs and augment the receipts, so that the least possible burden may rest on the tax-payers. But more yet may be safely and assuredly done to this end, without injury to either the prisoner or the public.

There are difficulties, however, to overcome which require much consideration. The product of the prisoners is reduced by causes of threefold character, and, so long as these causes exist, their effect will be felt, and from their character, can be governed by no fixed rules. The first class embraces all those convicts who have never acquired any mechanical

* It is one design of this Journal to encourage the investigation and discussion of the principles on which our penal institutions are established; and though the Editors may not be of the same mind with their correspondents in every particular, they feel disposed (as in the present case) to give them an opportunity to be heard.

knowledge, or the means of self-subsistence by their own industry. The time occupied in teaching them a handicraft is a loss to the productiveness. The second class consists of those who are incurably and constitutionally diseased and unable to labor. The third class is composed of men too old and infirm, either in sight, or limbs, or in mental power to work with any advantage whatever. It will be easily perceived, that these are difficulties not readily overcome. To subject the old and infirm to severe labor, is a refinement of cruelty never contemplated by a humane or enlightened mind. To require a task of one who knows not how to perform it, or to insist that a diseased and decayed constitution, afflicted with maladies, should work as one in full health, is unreasonable, if not absurd.

The system of separate imprisonment is not, and never has been, regarded in any other than a benevolent and reformatory point of view, as incident to punishment. The expense, (including cost of construction and management,) having been merged in the great questions to be decided by the experimental workings of a system of punishment which alone offers hopes for the better in the future days of the prisoner. "The Pennsylvanian," or "separate system," is an ameliorated system, combining punishment with reformation, and based on the principle, that society has more interest in the benefits which a system of punitive imprisonment can confer on those subjected to its influence, than in one, the only or chief merit of which may be, that it saves expense. The idea of economy at all hazards, excluding all considerations of the duty which society owes to its unfortunate or depraved members, is a false economy. It may save money, but it will waste morality—that is, the cost of supporting prisoners may be reduced to the lowest amount, but those who are to be supported thus, will be made worse than before—constituted, by a bad system, pensioners upon a "convict fund." Pennsylvania has never so regarded the improvements in penitentiary punishment. They have ever been considered with a view to the reformatory influences which such improvements are calculated to produce.

It is certainly true, that every effort should be made to reduce the expense of all such institutions. A wise economy

should ever have a place in public as in private affairs, but a sacrifice of real benefits, not only to individuals but to communities, for the sake of securing the cheapest or lowest amount of expense, is (we think) neither wise nor economical.

The labor of the convict while in prison is a fruitful source of speculation. The greatest amount of money to be made out of such labor to the State, is not unfrequently the chief object of attention; and it appears from experience, that systems of prison discipline are adopted or rejected, in obedience to these considerations. The question of labor as a punishment is variously understood; it is certainly an incident of punishment, but is it of primary importance? Idleness is to be avoided, but is labor to engross all the time and all the faculties? If so, it is a matter of but little moment under what system this labor is to be performed. If society (or the State) for a violation of any of its laws, shall condemn one of its members to labor for this society as a punishment for his offence, and make a profit out of his labor, then such punishment has but one idea, and any plan by which man is enabled to work, is good or bad, as the ability to perform labor is increased or diminished. This is not the basis of a kind, benevolent, Christian penal code, which the present age seems to approve. A convict is our fellow-being—he has his weaknesses and temptations, is affected by *causes of crime*, differing as causes of disease. In both cases the *cause* of the disorder, whether it be of the moral or physical constitution is to be regarded. The treatment in both cases should be placed on the same foundation. It would be unjust to impute to all offenders, as a motive or cause of their crimes, that they preferred to act in violation of law, rather than in obedience to it. Very few prefer imprisonment to liberty. It would be unjust to impute to all sick, that they became so of choice, rather than live in health. If then, there are causes of crime, which are so intimately connected with constitutional infirmity, moral infirmity, that to resist their influence is beyond the power of the individual, mercy and kindness should be extended to them, or the means of improvement and reformation offered to them. To punish such offenders, by exacting all the labor they have physical strength to perform, is a punishment not only cruel, but unkind and un-

just. Again, such causes of crime are often transitory in their nature, arising from some agitation or disturbance of the moral constitution, from passion, lust, or weakness. Surely so to punish such cases, as to compel them to become convicts for life, by placing them in a condition from which they can never escape, is as unjust to them as to the State. The evils flowing from a system of punishment like this are great, and the most dreadful is the creation by imprisonment, of a *class* of society, which must of necessity be *always convicts*—always criminals. To inflict labor as a punishment—to exact the largest quantity of labor, and so make the punishment itself a punishment, stultifies the convict, debases him, lowers him to the level of the brute creation, and dismisses him at the end of his term of imprisonment, an animal hating labor—an idle animal, by the education of his imprisonment—one who thus must be a criminal in order to exist. What good has community realized by his imprisonment? It has gained so many dollars; but it has lost forever what might have been made into a good citizen. Yes, it has done more than this, it has debased and degraded honest labor, for labor is the only, or at least, the chief punishment of the criminal. The State may have collected into its coffers the money this prisoner earned while in prison; but on the other side of the account you must place the loss of the opportunity to reform a bad man—the depreciation of honest toil, and the chances too, that this same individual will live most of his life in prison, and the cost of again and again convicting him of crimes committed for a livelihood. Yes, and add to this side of the account too, the evils of the example, the evil of the contagion which this individual may infuse into innocent minds. When such an account is balanced, the State will be found to be the loser! Losing in money, in character, in morals, in example, in integrity, and in happiness. It is a false economy which lavishes such evils on a State, to save in the amount of public funds, but which, if properly and justly applied, would have exempted both individuals and society from most of these calamities.

It is the quality of punishment that constitutes its effect. Severity may exist in punishment without cruelty; and the great object to be attained, is severity without cruelty. Kind-

ness is often more severe than chains, in its operation on prisoners. Whatever is to be found of good in the heart and mind of a convict should be educated, improved, enlarged, enlightened, and made the foundation on which to rest labor for his reformation. The experience in this State has shown, that such efforts have been crowned with great success. If a prisoner, convicted of a crime, the cause for committing which, was not in a deep-seated malignity against his fellow-creatures, but one which existed at the moment, and passed away, leaving in his mind a feeling of regret or remorse, which he feared to utter, lest it might prove his guilt; if such a prisoner, on his imprisonment, be loaded with chains—tasked to the utmost of his power to endure—forced to work with fellows, depraved by a long course of evil life—taught only that labor was his punishment—finding cruelty everywhere,—or rather, receiving kindness, pity, sympathy, consolation, encouragement, instruction, nowhere—what must inevitably be the disposition, the moral sentiment, of such a prisoner, after he has served out the term of his imprisonment? All that was good, all that was capable of being improved in his moral condition, has been blotted out of his very soul; he is an enemy of all mankind, because he has felt that all men were *his* enemies. The workings of the human heart, are often hidden from the closest observation; and the feelings, sentiments, impulses and prejudices of convicts, are no more easily understood, (and rarely as well understood because less studied,) than other portions of humanity. A contrary course of treatment of the convict to that already adverted to, might and would, in a majority of cases, lead to far different results.

The progress of this age, the enlightened benevolence, the pure philanthropy, the sincere, simple-minded christianity of an age of intelligent improvement, demands, in the humble quiet voice of conviction, operating on both the public mind and the public heart, that kindness, moderation and sympathy should be extended to the depraved, degenerated and disgraced of the human family;—where, or towards what class of men is such treatment most signally required, if not to convicts in prison—that the wayward should be reclaimed, the degraded improved, the degenerate reformed,—that the wicked, abandoned

outcast, should at least be brought under all those influences which tend to his reform. This done, or at all events attempted,—society has washed its hands of the consequences in the future. Society is bound to do all in its power to regenerate its fallen members, for incident to its duty to *protect*, is the duty to improve, to elevate, to educate, to reform, in order, that from the individuals, the general standard may be elevated as near as possible to universal virtue and happiness. If the State, by its laws, punishes for yielding to temptation, ought it not at least to show that something has been done by it, to strengthen the power of resistance against temptation, which, if not overcome, is followed by punishment?

- These views, if correct, indicate that a penitentiary system should have as a prominent object, apart from punishment, the reformation of the guilty. If punishment and reformation are to be united in a general system, it should be adapted first to these objects, and next in order, would be a proper consideration of the cost. The wisest economy will be found to exist, in making economy secondary in importance.

The labor of the prisoners will hold a proper place in such a system; but at the same time, full opportunity will be given for moral and intellectual improvement. Let each prisoner be taught to read and write; give him suitable books on subjects that will change his course of thought and action; acquaint him by lessons never known to him before, why it is, that the "way of the transgressor is hard,"—and prove to him by kindness and by sympathy, that honesty of life, integrity of conduct, are the best means of present and future happiness. Teach him a trade, that when again in society, he may live by honest industry, and that he can have no excuse for continuing in his former life, or acting dishonestly. Teach him that society regrets his departure from rectitude, and punishes to reclaim, not to degrade and mark him with infamy. Teach him that one error, or one fault, or one crime, is not sufficient to exclude him forever from the regard of the virtuous. Animate him by the inspiration of benevolence, sympathy, kindness and active philanthropy.—Do this, and his punishment is increased in its severity, as the keen sensibility

of one's loss, is augmented by the full conviction of the value of the possession.

In such a system, the cost of its support, must yield to the benefits it produces; and a State, enlightened as to its real happiness, will never refuse to it a full sanction. To produce this, however, is the work of time. Prejudices must be removed,—and prejudice is a barrier difficult to overcome,—but patience, industry, and the influence of a kind spirit, in honestly advocating the principles of Christian duty, will at last accomplish great results. A conviction of duty must impel all those who undertake the task, and the blessing of heaven will sanctify its conscientious discharge.

The foregoing remarks, are offered in the hope that they may excite attention to the secondary importance of the pecuniary considerations, attendant upon the adoption of, or change in, penitentiary discipline.

In order to relieve the productiveness of convict labor of the charges which are brought against it by the causes above referred to, it is apparent, that these burdensome classes of prisoners should be reduced in number as far as may be consistent with prudence and public safety. No society can be found, in which efforts are made for the benefit of the poor, helpless, unfortunate or vicious, without involving directly or indirectly a tax on the more fortunate members. The only question for the political economist to determine, influenced by principles of Christianity, is, how the tax can be best disbursed for the common advantage of these individuals and society?

None will doubt the truth of the proposition, that the more any class of prisoners is reduced, the better for the State at large. Imprisonment then, should be avoided as a punishment, in all cases in which public security and individual protection can be maintained without it. But even when imprisonment is necessary from either of these, or any other justifiable consideration, its duration should be as brief as possible. The shortest period being taken, rather than the most extended, contemplated by the law. Punishment by imprisonment, should be reserved for the more serious criminal acts, or outrageous private aggressions, and should not be common for every violation of the law, without regard to the character or enor-

mity of the offence. Wherever a punishment can be found adequate to the injury, without imprisonment, it should be preferred. At all events, the duration of the term of imprisonment should be reduced as low as possible, consistently with the circumstances of the offence, and the proper vindication of public justice. Thus, the infirmities of age, and the indiscretions of youth, would have great influence in determining the duration of the term of imprisonment about to be inflicted on either class, for offences in themselves, or in their effect on society, of no aggravated character. This would greatly reduce the number in two of the classes of prisoners referred to.

It is not perceived, that increasing the number of convicts by accumulating imprisonment for offences, can bring any substantial benefit to society. The division line between the honest and upright, and the dishonest and wicked, is least advantageously drawn, when it begins at a prison and ends at a penitentiary.

It has become an axiom in penal jurisprudence, that it is not the *severity*, but the *certainty* of punishment, that produces those results which punishment was instituted to effect. If this be true, then this certainty is best secured, when the punishment bears some just relation to the offence. It need hardly be observed, that a far greater number of convictions would follow on the commission of offences, if the punishment awarded was a reduced period of imprisonment. The consideration that influences juries, in many instances, in making up their verdict, is the disparity of the punishment to the offence, rather than the preponderance of evidence. To give to the young offender, for his first offence, an extended term of imprisonment, is certainly in most cases, unnecessary. The term should be of sufficient extent to afford time for the operation of influences tending to his penitence, reformation, or instruction. For the hardened and inveterate offender, a very different course may be suitable. Society requires for its protection, that such individuals, if incapable of improvement, should be restrained from the commission of crimes.

Whether our penitentiaries afford the most suitable means of restraint, we need not determine. The great point to be

gained, is to adapt the kind and degree of punishment, more exactly to the nature and degree of criminality,—there must be more equality in sentences. An alteration in the penal code, is necessary to effect this important end. The sentence for crimes is the decree of a punishment for the offence; but the term of imprisonment, is no part of the punishment. Imprisonment itself is the punishment. The number of days this imprisonment must operate, is certainly not intended as the punishment. Is there no difference between the thing and its duration? Is not “life” independent of its length of days? or, is its nature, its organic constitution affected by, more or less, in its term of years? Is disease dependent on its continuance for its original existence, or has its term of duration any influence upon its organic origin? The protraction or reduction of the term of imprisonment, is but an incident to punishment. It constitutes no part of the punishment itself. The term or duration of the punishment, is fixed within certain limits, a minimum and maximum period, between these extremes, all is discretionary with the judiciary. If the length of the term constituted the punishment, then the judge fixing this period, would legislate for each case,—he would make a law for every violation of law, rather than execute those already enacted. This discretion given to the judge, to mitigate the punishment in its incident of duration, is similar to the power given to the executive to terminate, not the punishment, but its incident—duration—by a pardon. If a pardon terminated the punishment, then one pardoned, is not punished; but as it merely concludes the duration by the exercise of clemency, it leaves the punishment intact. The length of sentence is, therefore, an incident to punishment, and is governed alone by the character of the offence, or circumstances of aggravation or mitigation, existing prior to the act of punishing; hence, the sentence to imprisonment. And the imprisonment being the punishment, the duration or its extent in time, is incidental to its nature, as longevity is incidental to a life.

In order to graduate the duration of punishment, it will be necessary to establish an average length of sentence for the different degrees of crime—increasing the average in proportion to the enormity of the offence, but this increase should

be founded on the peculiar circumstances connected not only with the offender, but also with the offence. This has been attempted in a limited degree in the case of larceny; dividing the offence between petit and grand larceny, the amount stolen, being the criterion of degree. In other States, this classification has been carried still farther, and burglary, forgery, &c., have been likewise sub-divided into degrees, and the duration of the punishment made to depend on the degree of the offence.

This classification is, perhaps, the best mode of effecting the object. In Pennsylvania for example, an individual may commit an act which by special statute is rendered penal, and the punishment is by a fine, a pecuniary punishment inflicted on the offender, but if two or more individuals combine, confederate, and agree together, or technically conspire to commit the offence, the punishment is imprisonment, and in its duration, is greater than that generally inflicted for homicide.

The inequality that exists between offences, made so by special statute, and those under the general code, is strikingly apparent. Let us take examples from acts passed in 1842, and 1847, the first, making "obtaining goods under false pretences," a penal act, and constituting the maximum punishment, one year and a fine three-fold the amount of the property obtained. The law against gambling, passed 16th February, 1847, provides that a "gambler," shall be punished on conviction, by imprisonment for not less than one, nor more than five years, and fined \$500. The act passed the 16th March, 1847, entitled "an act declaring obstructions to private roads, to be a public nuisance, and for other purposes," (the 3d sec.,) provides, that the seller of a lottery ticket, or of a device in the nature of a lottery, shall on conviction, be subjected to imprisonment for not exceeding three years, and a fine not exceeding \$5000 at the discretion of the Court.

Here are three examples of statutable misdemeanors, in which the maximum of duration of punishment is in one case one, the other, three years, and the last, five years, and the fines, in the sum of \$500 and \$5000, besides other punitive features.

By the penal code, the punishment of robbery, or as being

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accessary thereto before the fact, the minimum of the term of imprisonment is one, and the maximum is seven years.

Murder, of the second degree, minimum 4, maximum 12 years.

| | | | | | |
|---------------|---|----|---|----|---|
| Manslaughter, | " | 2, | " | 6 | " |
| High Treason, | " | 3, | " | 6 | " |
| Arson, | " | 1, | " | 10 | " |
| Rape, | " | 2, | " | 12 | " |
| Burglary, | " | 2, | " | 10 | " |
| Forgery, | " | 1, | " | 7 | " |
| Perjury, | " | 1, | " | 5 | " |

From the above it appears that selling a ticket or a device in the nature of lottery, and gambling, are punishable the one almost, the other quite as severely as the crime of perjury—the latter almost as severely as forgery—almost as severely in the maximum punishment as robbery, manslaughter, and high treason; and it is not a little remarkable that the minimum for gambling is the same as robbery, arson, forgery and perjury.

The Legislature could not have regarded the duration of the imprisonment as the punishment, when so close an analogy exists in the length of sentences for these several offences, so utterly disproportioned in the mischief they occasion to society or to individuals.

But the impolicy of awarding an average punishment by imprisonment, for acts which are so utterly dissimilar, so unequal in the injury they inflict, when committed on society, is beyond doubt. Can it be contended that selling a ticket in a lottery, is as detrimental to the public as perjury? Is winning money by one man from another, (an act, requiring consent, intention, will, alike in both parties, and circumscribed in its example and other injurious influences) as great a public evil as false swearing? However true this may be, it is not intended to offer the least palliation for such grievous acts, but considering them in the present aspect, each must be regarded as a crime, compared with other crimes, for which punishment by imprisonment is the penalty. If all money obtained by the concurrent consent as to the transit of possession, of both parties, but the possession itself, depended on the capacity of agreeing, then there are many acts as injurious as gambling not yet made as highly penal. Equal justice would re-

quire all these acts to be embraced in a penal code, and hence a vast number of citizens would be added to the list of convicts. Is the obtaining goods under a false pretence, where the possession is parted with voluntarily, to be punished with the same severity as if the possession was feloniously obtained? The chief ingredient of all crimes—intention—is put on these cases on the same footing, and the mode of acting gives essence and color to the intention. Thus the effect would exist before the cause. The act governs the intention, and not the intention the act. It is the offence, the act, the thing done, that constitutes the crime; its ingredients are numerous, of which motive and cause are the most prominent.

The impolicy, therefore, of increasing the term of imprisonment as a punishment is obvious, and the propriety of reducing the term of imprisonment is equally apparent.

The subject is one of vast importance to the public welfare, and requires serious consideration, before making an advance towards its reform. The present object is simply to call attention to the subject, so far as to excite inquiry and reflection. It may at least be the means of controlling crude legislation, and of preventing each single idea from taking the form of a penal statute, to the disgrace of an enlightened state, the utter inconsistency of our penal code, and the enlargement of acts of individuals, which are only obnoxious to the charge of public offence, because in some single instance similar proceedings have produced private injury, into crimes.

It may do this, and it may do more, by causing the sentencing power to discriminate more fully between acts requiring a prolonged or abbreviated term of imprisonment, by comparing the average terms imposed for offences highly penal.

If these effects are produced, the penitentiary will present in its occupants, those who are suffering a term of imprisonment in conformity to the nature of their several offences, and the desire for a pardon, or the hope of a pardon, will not then fill the atmosphere of each cell, as the necessary consequence of sentences, which startle the reflecting mind by their inappropriateness to the offence, considering the length of the term of imprisonment—an incident to punishment, and not punishment itself.

If these views are sound, then a penitentiary system based on their practical application, with a due regard to the great interests involved in, and connected with, all institutions of a penal character, will readily and cheerfully receive from an enlightened public mind approval and support. Measures of sound policy and utility, properly applied to reform those convicted, and committed to a penitentiary, will successfully claim the sanction of community. A penitentiary established for the improvement and punishment of convicts, will result in substantial benefit to society, and to those who offend against its laws, and the cost be justified on principles of the wisest economy.

ART. III.—LABOR IN THE FRENCH PRISONS.

Among the first acts of the Provisional Government in Paris, was a decree abolishing labor in prisons. This was passed under the hasty action of that government, in answer to the complaint made by free workmen, in various parts of France, that they were interfered with by the competition of prison labor. This complaint is one, to which we are not unaccustomed in this country.

The result of the sudden action of the Provisional Government in the prisons themselves, was, as might have been expected, most lamentable. The decree was repealed, and for some time past, the National Assembly have been attempting to elaborate a system which should provide for prison labor, without the difficulties alleged.

The commission appointed by the Assembly on the subject, reported their plans, differing from that of M. Senard, Cavaignac's minister of the interior. The discussion, in the Assembly, began early in January. This period was most unfortunate for gaining a fair hearing before that large and moody body, for it was just as Louis Bonaparte's cabinet was undergoing its first crisis. It would seem, therefore, that the debate fought its way along, with constant interruptions, from what we

should call "*privileged questions*," the *interpellations* addressed to one or another member of the new cabinet, and the replies made by them. In this way, the debate seems to have passed on, under the most profound inattention.

It engaged, however, the attention and thought of able members, if not of the partisans, or of the whole house. The discussion was conducted by MM. Rouher, who reported the bill from the commission, Gayot, Schœlcher, Grellet, Randoning, Leon Faucher, Gen. Lamoricière, Peupin, General Rulière, Alcan, de Rancé and others. As it opens quite widely the whole system of discipline and administration in France, as well as that which excited so much interest in New York a few years since, and indeed, has engaged attention elsewhere in this country as a serious matter, we had proposed to make some abridgment of it for this number of the *Journal*. But, as it extends over more space than we have at command, we are able now, only to give to our readers the summing up of the whole matter, as it is carefully made in two articles by the editor of the *Journal des Debats*. These articles were published under the dates of the fifth and ninth of January, on which latter day the discussion closed.

As the bill passed, it stands ;—

"ART. 1. The decree of the 24th of March last, suspending labor in prisons, and that of soldiers in active service, is repealed.

"ART. 2. The articles manufactured by prisoners in the central houses, and in the houses of correction, shall not be exposed for sale, in competition with the manufactures of free labor.

"ART. 3. The articles manufactured by prisoners, shall be consumed by the State as far as possible, conformably to a regulation of the public administration."

From the Journal des Debats, Paris, Jan. 5.—The National Assembly resumed to-day, the discussion concerning the reorganization of labor in prisons. The question is not a new one ; it existed before the revolution of February. For several years, complaints have been made by the working-classes, of the competition produced by the labor of prisoners. After the revolution of February, the provisional government attended to these complaints with its accustomed zeal, and, by a decree,

dated March 24th, given upon the report of M. Louis Blanc, labor in the prisons was suspended; a suspension which, continuing ten months, produced the most deplorable results. The prisoners, no longer subjected to the salutary restraints of employment, gave themselves up to the most shameful excesses of insubordination and debauchery, and so rapidly did the evil increase, that in five months, the necessity for re-establishing labor in prison, was recognized. But in re-establishing it, it became essential to adopt some method to avert the cause of complaint above mentioned. Such was the intention of the decree presented August 28th, by the Minister of the Interior, M. Senard, to the National Assembly.

The different questions, or rather, the different bearings of the question, raised by this decree, have been clearly explained by the reporter of the Commission of the Assembly, M. Rouher, in the report on which this debate takes place.

Of our twenty-one central prisons, there are but three, those of Melun, Fontevrault and Gaillon, which are managed within themselves; that is, where all the economical services are conducted by the administration itself. The labor of the work-shops alone, is let out on contract. In all the others, the economical services and the labor of the work-shops, are adjudged to a single contractor. This contractor has charge of the food, clothing, washing and sleeping departments of the prisoners; he furnishes them with medicine, defrays the expenses of burial and religious service, makes all the local repairs of the buildings, and even provides for some of the expense for guardians, clerks and director. He discharges these services by means of the additional duty which the State allows him for each man, by the products of the prisoner's labor, and by the relinquishment made by government to him, of three tenths of the wages of the prisoners.

These wages are established by the Minister, at the suggestion of the magistrate and the advice of the Chamber of Commerce of the department, and by the average wages paid to workmen in manufactories. Over and above this, there is a reduction of twenty per cent from this rate of payment, made to the contractor to indemnify him for the loss of material for furnishing stock and tools, advancing capital, loss by holidays, expense of lighting and heating the work-shops, and compensating apprentices, who among free workmen pay their masters.

Such is the system, which the working-classes accuse of producing an irregular competition. It seems at the first glance, as if these complaints were exaggerated, as the number of workmen in the prisons, is so small in comparison with those at large. Of the latter there are several millions, whilst the number of working prisoners in all the prisons, does not exceed

thirteen thousand. How is it then, that several millions of workmen, employed each at his own trade, can fear the effects of a competition produced by a few thousand prisoners, subjected to a long and tedious apprenticeship to a new trade, working without energy, and often producing the most unsatisfactory results?

The answer to this question is easy. The prison laborers are not, as they would be if at liberty, scattered over the whole country, but collected within twenty-one establishments. The variety of their employments, is also limited; and, as has been remarked by the reporter, the variety which employs the greatest number of hands in each house, is generally, that which forms the principal branch of traffic in the surrounding locality. The contractor has an evident interest in preferring that species of labor to all others, as the cost of the raw material is less, the disposal of the articles easier and more certain, and the workmen, who are usually from the neighborhood, better acquainted with it. To this class of labor then, the contractor puts each new prisoner that is brought to the house, instead of employing him at the trade in which he was engaged previous to his incarceration. Thus it is, that the free workmen see, springing up around them, a factitious competition, already formidable, from the single fact, that it is established between two nearly equal classes. Moreover, the conditions of the struggle are unequal, and entirely to the disadvantage of the free workmen. The charges by which is justified the reduction of twenty per cent upon the price of workmanship and days' work, for the benefit of the contractor, are imaginary, or overbalanced by personal advantages; ordinary workmen, are obliged, as well as the contractors for prisons, to purchase their materials and tools, to warm and light their work-shops and to embark considerable capital in their business. On the other hand, if the contractors are obliged to recompense their apprentices, to make up for the loss from holidays, to be accountable for the obstinacy or incapacity of the prisoners, they have the gratuitous enjoyment of large and convenient work-shops, with reduced taxes, and the surveyorship of strict and vigilant guardians. We may also say with the reporter, that if the manufacturers are not condemned to continual labor, they are exposed to those forced and extremely disquieting interruptions to work, which produce the distresses, hostilities, and combinations of free workmen.

It appears, moreover, that the rule in question is sometimes arbitrarily applied, and sometimes eluded either in the publishing, or the execution of the prison accounts.

The complaints then, of the working-classes, are just, the abuses of which they complain, real. It is certainly not to be

denied, that the work of the prisoners in each establishment produces an illegitimate competition with local labor.

This is the evil which it is desirable to remedy, taking for a starting point the necessity of continuing the labor of prisoners. By what new administration can we replace that in force previous to the 24th of March last? This is the question which the National Assembly is expected to decide. But here, has plan after plan been crowded one upon another, nearly as many springing up as there have been orators to speak, without mentioning those of government and the commission, each of which has given a different solution, or one opposed to the problem. We shall not undertake to give a detailed account of the various plans which were produced with too little distinctness, in the general discussion, to allow us to form a frank and decided opinion of their respective merits. The general discussion closed at the end of the session. Let us see if any light has been thrown upon the difficulty. To-day the assembly has rejected the amendments, more or less significant, of the two first articles of the scheme. The first article is accepted; but it is limited to the abrogation of the decree of March 24th, relative to the suspension of labor in prisons. The discussion will be continued to-morrow, upon article second, which brings up the important question of a new system.

JANUARY 9TH. The harassing question of prison labor is finally decided, and the decree passed into a law. God only knows what the consequences will be of a discussion so disconnected, so cut up by the various incidents of each day! It would be a miracle if this law constructed, literally, at swords' points, should be perfect!

We mentioned that the debate ceased at the second article of the law, that is, at the question,—what rule could be substituted for the one, under the administration of which certain abuses were recognized, and which was suppressed by a decree of government the 24th of last March. Of the various schemes proposed, two only have been made the subject of serious debate—those of the government and of the commission. The government system consisted in ascertaining, by the magistrates, upon the verdict of the chamber of commerce, the amount of labor that can be executed in the prisons; it gave, too, to the magistrates the power to forbid, in certain towns, the sale of articles manufactured in the prisons.

The reasons of the commission for objecting to this system were plausible enough. In fact, it will not solve the question. For the contractor will no longer resort to any species of labor already in operation in the department, in which the central prison is situated, but will adopt, as the system will still permit, any other kind of labor, carried on in a neighboring department.

Thus the evils of a competition, which it is desirable to remedy, would not be prevented, but merely change their location.

The commission, in rejecting this system, replaced it by a combination that appeared more simple, and which is reducible to two essential dispositions. The first proposes that the articles manufactured by the prisoners shall not be offered for sale in competition with those of free workmen; the second maintains that these articles shall be consumed exclusively by the State.

Thus on one hand regard is paid to the complaints of the working classes, by relieving them from an unjust competition. On the other hand, a regular and permanent sale is assured to the articles of prison labor. Firstly, all articles necessary to the service of the central houses, and to the clothing of the inhabitants will continue to be manufactured as they are, or ought to be now, by the prisoners themselves. Secondly, the prisoners will manufacture the garments and shoes for the army, or rather the prisoners will furnish that portion of military equipment, now furnished by those companies known under the name of *companies out of the ranks*. [*Compagnies hors rang.*]*

The most that can be said in favor of this system, is that it is not a new theory. It has been sanctioned by its application in Holland, in Belgium and in Bavaria. It is also adopted by certain charitable establishments in Italy, particularly at Genoa. Nevertheless it is not entirely unobjectionable. The obligations it imposes may give rise to serious difficulties in its applications; difficulties to the State, since it may interfere with the economical arrangement of the army; difficulties to the central houses, as it may well be doubted if a steady sale can be assured for the articles of prison labor. This is the objection upon which M. Senard, author of the first project and M. Léon Faucher, the new minister of the interior, principally insisted.

Notwithstanding this objection, the scheme of the commission was passed by vote, in its two principal stipulations. However, the third clause, insisting that all articles manufactured by prisoners should be consumed by the State, did not pass without a corrective, being an addition of these words, *as much as possible*.

This expedient relieves the administration from all difficulty, but we know not how it will work in the central houses. What is to become of the products of the prison between article second, maintaining that they are never to be offered at public

* There are 18 or 20,000 workmen connected with the army; 4,400 of them are tailors; 3,500 shoemakers. These companies will now be suppressed.

sale, and the restriction improvised to article third, which gives the administration power to reject them?

This difficulty seems to us a serious one; it was foreseen by M. Stourm, who imagined he had provided for every emergency by this addition, *and conformably to a regulation of public administration*. But how is a regulation of public administration to reconcile the glaring contradiction that exists between the two articles of the law? We acknowledge it is an enigma to us.

The other propositions of the scheme presented by the commission related only to regulations. They were successively adopted without any serious debate.

ART. IV.—PRESTON HOUSE OF CORRECTION.

Chaplain's Twenty-fifth Report on the Preston House of Correction, presented to the Magistrates of Lancashire, 1848, pp. 80.

. Preston is a borough town of Lancashire, thirty-one miles north from Liverpool. It contains a population of less than fifty thousand, and has some extensive manufacturing establishments, which employ three thousand men, besides women and boys.

The whole series of prison annals can probably furnish but few cases of a greater reformation in discipline, than is seen in the establishment to which this document relates. There are persons now in the magistracy of the county, that remember when it was usual to employ, as laborers in the neighboring factories, felons under sentence; and it is within their knowledge, that a man convicted of felony, and sentenced to one year's imprisonment, served on wages during the whole of that term in the capacity of gardener, at the residence of a gentleman two miles from town—coming home to sleep! Prisoners under sentence often came in the custody of coachmen, carriers and carters; and not unfrequently did they arrive unattended, taking their own mittimus from their pocket as a sort of ticket of admission!—so few terrors had the prison for the idle and depraved. The common breaches of discipline among the prisoners were fighting, gaming, and stealing from each other. We shall soon see the marvellous revolution which has been effected there.

The important rank of this institution may be inferred from the fact, that the committals for the year ending on the 30th of June last, were not less than 1,686. The mode of discipline adopted for so large a number of prisoners, and the success of it cannot fail to interest our readers, and we shall direct their attention to these two points.

I. In respect to the mode of discipline, we cannot do better than to let the chaplain speak for himself.

Another year's experience of the results of *separation* has added to my conviction of its value; and the necessity of enforcing it in every practicable case. Much has been written on the subject, and the opinions of almost all who have examined it, practically, for themselves, have been pronounced in the affirmative. The idea of separating the *untried*, however, is not yet quite acceptable to every mind which approves the separation of the *convicted*. The constitutional axiom of considering a man innocent until he is proved otherwise, seems to them at war with a proceeding which, by keeping a merely *accused* party secluded from other prisoners,* places him, in fact, already under a species of punishment. Granted: but the gentlest and most considerate treatment that could be devised for the accused, if it involved his safe custody within prison walls, would necessarily involve also a degree of restraint—coercion—punishment, altogether inconsistent with the hypothesis of his innocence. In the great majority of cases, accused persons, however guiltless they may eventually prove, are therefore subject to—i. e. *punished*—by incarceration, pending the final decision of the charge against them. But, since their presumptive innocence does not save them from the pain and disgrace of committal to prison,—being there, how should they be treated, with reference to their own rights, and the duties of the community which required them to be so placed? Let us, in the first place, suppose a case in which there is an extreme probability of innocence; that the charge of guilt has sprung from malice or mistake. Should this victim of wickedness or error be secluded from all association with other prisoners, or, should he be placed in the society of those who are, technically, in the same position as himself?—i. e. whose innocence is to be presumed, but whose guilt, in

* A singular misapprehension on this subject was betrayed by a very learned and influential member of the British parliament, who was quite indignant at the idea of separating one who was merely detained for trial! He withdrew his objection to the principle when he was made to see, that it was the greatest, if not the only, boon the government could confer on one whom it was compelled to incarcerate for safe keeping.—*ENS.*

most cases, may be notorious, and whose vicious habits are undeniable? What, in truth, is the obligation which, in such a case, society has to discharge to one of its members whose innocence, always presumed, may be demonstrated on his trial? It appears to me that the first and greatest is to restore him to his full rights, as free from all taint of guilt and vice as he was when those rights were suspended. But to fulfil this obligation is utterly and completely impossible if any portion of the period of his safe custody is to be passed in the society of a number, however small that may be, of other untried prisoners. Would it then satisfy the requirements of the case to put the question of seclusion or society to the option of the person most interested? We might, just as well, offer to an inexperienced infant the choice between food which is wholesome though uninviting, and sweets which though pleasant are poisonous. The likelihood is that, in both cases the poison would be chosen. Or, in the second place, discarding the idea of the innocence of the accused, let us regard him as a thoughtless and ignorant boy, led into a first offence by sudden and great temptation, but still possessing an impressible conscience, and a leaning to good rather than to evil. This heedless, but not very guilty boy, would certainly feel lonely in his cell; and, unconscious of the beneficial process which, nevertheless, inevitably commences with the first moments of separation from evil, would gladly be placed where conversation would "pass the time on better." But in that conversation he would meet his moral destruction; and we are no more required to yield to his wishes than we should be to give fiery stimulants to a patient threatened with fever. I venture even to go further, and to say that we should be more justifiable in giving way to the poor boy's yearnings for home, and actually setting him at liberty, than we should be in complying with his fatal desire for prison companions. Liberated after a short, but emphatic, monition for this, his first offence, he might "*go and sin no more.*" The check at the outset might stay his further progress in crime; and society would escape further injury from him. But, introduce him to the company in the "*trial-yard*;" let him cultivate their acquaintance, only for a week; and evil becomes his good. The legal or constitutional fiction about his presumptive innocence may have been respected; but the poor boy's real well-being has not. It has been sacrificed. And he goes into the world again, himself corrupted, and prepared to spread among predisposed recipients the ineradicable infection he has caught, or to become a pest, in another shape, to those whom he cannot corrupt. Few words are necessary in weighing the claims to association which may be put forward on behalf of the notorious thief or profligate. However degraded or wicked his known general habits may be, with respect to the particular

charge against him, he is as much entitled to the presumption of innocence as any of his fellow-prisoners of hitherto unimpeachable character. But his right to mix among other prisoners can be no better than the right of the innocent or thoughtless. Both demand the privilege of association, *with each other!* Can society be bound to recognize such a privilege?—i. e. the privilege of one party to demoralize, and of the other to be demoralized!

This question is, however, eminently a practical one; and I trust I may be excused for thinking that twenty-seven years' anxious observation of prisoners—exhibiting all gradations of vice, all degrees of ignorance, all shades of moral perception and religious feeling—authorize me to declare, that the first duty to a prisoner,—whatever may have been his previous habits and character, whether misfortune, wantonness, or systematic depravity, may be most apparent in him,—is to separate him from other prisoners.

We have extracted this long passage in the hope that it will arrest the attention of the proper authorities, and conduce to an earlier and more general adoption of the separate principle in County prisons, where alone untried prisoners are confined. If the views of the Preston chaplain are sound, (and we know not who will venture to controvert them,) it is clear that under the colour of law, we are doing an irreparable injustice to hundreds of persons, whom we profess to be merely detaining in custody while we inquire whether they are honest men or rogues. Very satisfactory evidence is furnished by the Preston report, from the mouths of prisoners themselves, that necessity, justice, and mercy, alike demand of us to let the untried prisoners remain isolated while this inquiry is pending.

In respect to the discipline employed upon convicts at Preston, it does not embody the principle of absolute separation so strictly as the discipline at the Eastern State Penitentiary, or at Pentonville and Reading, in England; and yet, it would be difficult for language to express a more decided conviction of the indispensableness of that principle, in its most rigid application, than that which the Preston chaplain uses:

Considering, then, (he says,) that non-intercourse is the essential *principle* of prison discipline, there can be no doubt that the separate cell supplies the securest and happiest *means* of carrying that principle into effect. In our "work-room" non-

intercourse is established with an effect not to be estimated by those who have not seen it. The rule, enforced with untiring vigilance, which controls, alike, hand, eye and tongue, is irksome, perhaps stern, but necessary—necessary to the integrity of the system of non-association, and, so far as regards *that*, salutary to the prisoner. But in every way the work-room is an inferior instrument to the cell. In whatever we would desire for the prisoner, in regard to instruction, reflection, self-examination, and, above all, prayer—the cell has greatly the advantage. The admonitions of the governor, the teaching of the schoolmaster, the exhortations of the chaplain; the daily contact between irresistible but mild authority and the declining spirit of insubordination, the interview between the messenger of peace and the disheartened rebel,—the operation of benevolent and superior minds, in fact, upon misguided and inferior ones;—these meliorating influences, almost entirely precluded by the work-room, are immensely aided by the cell.

If there was room for any doubt as to the interpretation of this language, it would be removed by referring to the same officer's report, when the separate feature was about being more fully introduced, (1843.) He says, "It may be assumed that the INDIVIDUAL SEPARATION of prisoners has a more decided reformatory effect than any other kind of discipline adopted in this gaol—although the manner of carrying it into effect has been unavoidably very imperfect, and, I therefore, anticipate with much confidence still more extensive benefits from the means now prepared of working out the principle more perfectly. The seventy-two cells just completed, are, as regards size, light, air, warmth, and general accommodation, infinitely superior to those in which 'solitaries' have been placed."—*Gaol returns, House of Commons, Feb. 29, 1844, p. 86.*

In respect to the happy results of the discipline, the report is full and explicit. A tabular statement is given of the returns of the superintendents of the County constabulary and by other officers, relative to the conduct of discharged persons—the initials of the name, the age, the number of previous convictions, and the length of sentence of each prisoner, being given. From this, it appears that *forty-eight* per cent. of the number whose condition was inquired after, might be regarded as "reformed" men.

After what I have already written, it may be almost useless to attempt saying anything more on the beneficial effects of

separation. I must, however, be permitted to state that now, after four years' *full* trial of the system, I am still surprised, most gratefully surprised, at the effects wrought by it. They can only be appreciated by those who witness them. After having been encouraged by the favorable issue of many cases which, at first, I had considered as giving no encouragement, other cases have presented themselves subsequently, which seemed to shut out all hope. In these the prisoner, notorious, perhaps, for a long course of reckless depravity, has appeared so ignorant, so sullen, so incapable of good impressions, that I have thought, however successful, under Providence, we may have been with other men, nothing short of a miracle can work a change *here*! But the change has been effected. The dogged or turbulent glance disappears; the countenance undergoes a change beyond all feigning; it bespeaks a disposition subdued, peaceful, cheerful; except, indeed, when words of kindness or sympathy from the Governor or Chaplain touch the springs of good feeling, and the full heart finds relief in tears. I may be excused, then, for declaring, emphatically, that our discipline has produced results far beyond my most sanguine hopes. Having seen what our system *was* for more than 20 years, I am as much astonished at, as I am deeply grateful for, the results accomplished in a few years of more wholesome rule; results which show that the work has not been unblest by Him who "*is not willing that any should perish, but that all should come to repentance.*"

The appendix to the Chaplain's report, contains some valuable statistics, of which we should be glad to make use, if our limits allowed. Among them is a table showing the comparative frequency of certain species of crime during the preceding year,—from which it appears that common assaults had been reduced from 4 to 2; assaults on police, from 4 to 0; breaking into shops, from 10 cases to 5; highway robbery, from 6 to 1; larceny in dwellings, from 37 cases to 26; larceny in shops, from 53 to 45; in public houses, from 47 to 31; by workpeople from employers, from 54 to 34. "It is certainly satisfactory," says the Chaplain, "to perceive these grave offences so decidedly reduced in number during a period of severe and general distress. At the same time it may be observed that breaches of the law accompanied by violence, such as assaults, highway robberies, forcible entry into dwellings and shops, are usually most predominant when full wages lead to drinking, and *that* to the more daring crimes. On the other hand, the offences which have increased during the past year are of most frequent

occurrence at those periods in which great numbers are thrown into idleness as well as into poverty. Thus pilferers of exposed property, who amounted to 87 in the year of distress 1842-3, and who were scarcely half that number in any of the succeeding prosperous years, have reappeared with the returning distress; numbering only 33 in 1846-7, they are no less than 72 in the year just ended."

Another valuable table shows the proportion of offenders to population in each of the English counties in 1841 and 1847, and the aggregate criminality for each county in the five years ending in 1847. From this it appears that of the 41 counties, there has been a decrease in 26, and an increase in 15. And what is worthy of remark, the increase in Middlesex county (including London) was 22.5, and the decrease in North Lancashire was 22.6, and in South Lancashire, 6.0. The population of the two counties were nearly alike in the ratio of its increase.

We feel constrained to notice in this connection one of the frequent instances of disingenuousness in the discussions of this subject.

A late London paper contains a notice of this institution, and one of the leading religious newspapers of the United States takes it up, and under the title of "causes and prevention of crime," makes up half a column or more for the information of its "ten thousand readers." In the course of this article, the following paragraphs occur:

"The separate system is adopted, and the most strict discipline enforced during work hours, so that the prisoners never raise their eyes from their work, but they come together for worship, and sit on benches as at church, without separation, and without restraint, and hear each other's voices in the hymns and responses. They also take exercise in common, but in strict silence."

"Again. They (the prisoners) are remarkably healthy, and free from the mental lassitude and stupefaction complained of in the separate system. Their only employment is picking cotton, but it is in contemplation to introduce a common work-room," &c.

Again. "It will be seen that the separate system is already broken in upon in two respects; in regard to worship and ex-

ercise, and it is proposed to abandon it for work, which will bring the discipline substantially to the Auburn plan."

Many a man, will credulously read this news-paper article, receive the impression that the best of the separate prisons are gradually sliding into the Auburn plan, and if he happens to have a seat in the Legislature, or in the board of County Commissioners, when a new prison system is to be adopted, or a new county gaol erected, he puts his foot down against *convict-separation* as an exploded theory! Half the opinions now entertained against convict-separation in the United States, have been formed upon just such paragraphs as we have quoted.

It would have been no mitigation of the doom of Sisyphus to have required him, with a Quarterly Journal of 48 pages, to remove erroneous impressions derived from such sources, and multiplied indefinitely by every pull of some daily or weekly press.

We take this opportunity to express the hope, that the readers of this Journal, who are so disposed, will exert themselves, individually, to disseminate correct views on the true nature and effects of convict-separation. We do not ask them to espouse one theory of punishment rather than another, nor to vindicate the claims of any one penal institution to superiority over any other; but simply to inculcate, as opportunity presents, correct notions of what separation, when applied to convicts in prison, really is.

Solitary separation, as all agree, is an intensely severe infliction, and to some minds, quite intolerable when continued beyond a certain limit. But the intolerable feature of such separation is the *solitude*; and though solitude necessarily implies separation, every body knows that separation does not imply solitude. We may, therefore, unite them safely only for a short period, and with due cautions and safe-guards. But separation involves no hazards to body or mind. As the term is used by all intelligent writers on this subject, it implies nothing more nor less than the exclusion of one particular and very objectionable class of associates. The prisoner, being committed to custody, not only as a punishment for his abuse of liberty and contempt of law, but also as a means of bringing him to a better mind and better manners, it is incumbent on those who have him in charge to use all lawful means of effect-

ing these two designs of his imprisonment. And it being sufficiently obvious, that the interdiction of all intercourse with his suffering comrades is essential, and that this cannot be effectually secured but by individual seclusion one from the other, this course is adopted. And wherever it is adopted, there is a separate prison. Who else, of all the world, shall be excluded from the prisoner's presence, is a matter of after consideration. Separatists only contend that felons in prison shall be separated in body, soul and spirit, (so far as human wit can bring it to pass,) from other felons in prison.

NOTICES.

No. 1.—*Philadelphia County Prison.*

The First Annual Report of the Inspectors of this Institution, under the Act of Assembly, passed February 27, 1847, has been before the public some months. It contains many items of valuable information, and suggestions which deserve to be well considered. It is our design, at some future day, to analyze this important and interesting document. To do it satisfactorily to ourselves, or profitably to our readers, will require us to investigate and compare many details which are not presented, and, indeed, would have been out of place in the Inspectors' report and yet are indispensable to a proper understanding of it, or of the positions it maintains. In the meantime, and to prepare the way for a future article, we put before our readers a brief sketch of the history of the prison, and a description of the buildings and their uses.

The prison was opened for the reception of prisoners, October 10, 1835.

It combines all the characteristics of a penitentiary proper, as well as those of a county jail and work-house. By the act of 30th of March, 1831, the City and County of Philadelphia were authorized to erect a new prison, and a debtor's apartment; so far as the prison is concerned, it was originally contemplated, as appears by this act, that it should answer all the purposes of a county jail for the reception of persons committed for crimes and misdemeanors in the city and county of Philadelphia—and likewise that those persons sentenced for a period of time under one year, should be sentenced to undergo an imprisonment in this prison by separate confinement at hard labor, and be in every respect treated as those confined in the Eastern State Penitentiary.

After the prison was completed, the act of the 14th of April, 1835, was passed, providing for its organization and management. By this act, the term of under one year, was extended 'to under two years'—and subsequently in 1842, the court was authorized to sentence all persons, convicted in the city and county of Philadelphia, to confinement in this prison, except homicide cases.

There are then necessarily several distinct apartments, each demand-

ing separate modes of treatment, and all requiring visitation and inspection. The north corridor is appropriated exclusively to male convicts, sentenced to hard labor, who are treated in all respects as is pointed out by the Act of Assembly. The other grand division, or south corridor, is appropriated for persons convicted, but not sentenced to *hard labor*; it is also appropriated for untried prisoners, vagrants, disorderly persons and apprentices. There is then the female department, a building distinct from the main prison, but included within its walls. The annual average number of persons in prison, during the last five years, amounts to 5,820.

It may be easily imagined, therefore, that the management and government of such an institution is a duty of no common magnitude, yet the inspectors can speak with confidence as to the correct internal regulation and general superintendence of every department of the prison.

The Board, as required by law, has a visiting committee, composed of three of their number, one of whom is always appointed at the stated monthly meetings. To this committee is delegated certain powers, for the time being, relating to the general management and superintendence of the prison. They are in the habit of visiting the prison twice during every week, and they ascertain whether the different officers connected with it perform their duty. They also make it a point to see, personally, as many of the prisoners as possible, at each period of visitation, so that there is scarcely a single prisoner in the whole establishment, in the tried as well as the untried department, that is not seen by some one of the visiting inspectors during the course of every week. If any complaints worthy of notice, are made upon these occasions by any prisoner, the matter is instantly inquired into.

The female department is regularly attended, at least once in every two weeks, by a committee of four female friends. They belong to an association which has been in existence for many years in Philadelphia, called "The Association of Women Friends;" and the board take great pleasure in bearing ample testimony to the wholesome effects resulting from the visits of these excellent women. Indeed there is nothing connected with the internal administration of the prison, that presents a more pleasing and interesting spectacle than the untiring efforts and laudable zeal of these truly benevolent females. During all weathers, and at all seasons, amid sunshine or storm, they are constant and regular in their attendance, and unremitting in their labors. Their mild and benevolent demeanor towards the prisoners, the moral instruction they impart, and their words of encouragement and consolation, act in many instances like a charm upon the unfortunate female inmate; and it is needless to say, that these visits are always attended with the most flattering results.

The Association consists of twenty-four members, eleven of whom devote their services to the female inmates of the Eastern Penitentiary, and thirteen to those of the County Prison; and yet so silently and so unobtrusively have these good Samaritans performed their works of mercy, that probably few persons, unconnected with either prison, are aware either of the existence of the society or the extent of their labors.

The male convicts to hard labor, are generally employed in weaving and shoemaking, and in these trades they frequently become quite proficient. All are allowed certain amounts for over work, or work performed beyond their appointed tasks; and it often happens that they are thus enabled to lay up a clever sum of money, which they receive when they are discharged from prison. There are other trades to which this class of prisoners are sometimes put, not for the purposes of manufacturing articles for sale, but for the use and convenience of the prison itself: such as blacksmith, carpenter, painter, tin-smith, tailor, &c. These latter, as well as the former, are kept, while at work, as well as at all other times, in rooms and cells, separate and apart from other prisoners.

No person, sentenced to hard labor, is ever permitted to leave the prison, at the expiration of his sentence, without being decently clad. If he is destitute in this respect, the board provide suitable clothing for him; and if he has saved no money from doing over work, he is furnished with a small sum for his present wants, and as a means of removing him from the immediate temptation to commit crime.

The regular physician, employed by the Board, visits the prison every morning, and attends upon such prisoners as require his services. He makes a monthly report to the stated meetings of the Board, in which he states the number of deaths during the month, if any, and the diseases of which they died. He also reports at such times the number of the sick, and the nature and character of their complaints, together with such suggestions as he may deem worthy of attention. The general health of the prisoners, as well mental as bodily, in this establishment, ever since its completion, has been reasonably good; and the Board think, that it will justly bear a comparison, in this respect, with any prison in the United States.



Front view of the Philadelphia County Prison.

The buildings are located on the Passyunk road, in the township of Moyamensing, about one mile south of the line of the city proper; there are attached to it about sixteen acres of land, but the prison itself occupies a space of three hundred and ten feet front, by five hundred and twenty-five feet in depth, with an addition on the north of one hundred and fifty by three hundred and forty feet.

The façade consists of a centre building of fifty three feet in width, with receding wings on either side of fifty feet, flanked by massy octagonal towers. Beyond these towers receding wing-walls are continued to the extremities of the front, and terminated with embattled bastions.

The whole exterior is composed of a blue sienite, obtained from Quincy in the State of Massachusetts.

The style of architecture is that of the castles of the middle ages, and its decorations are in the *perpendicular* or *tudor* style of English Gothic.

The centre building is three stories in height, diminishing at each story in regular offsets, capped with projecting belts. The corners are finished with circular warder towers of five feet four inches in diameter, commencing at ten feet below the top of the front wall, and extending five feet above it; these towers project three-fourths of their circumference over the corners of the building, and are crowned with embattled parapets, supported by corbels. The front wall and both the flanks, are also finished with battlements, pierced with embrasures, forming an embattled screen between the towers.

The wings are two stories in height, and contain the gates of entrance, each of which is ten feet wide, and seventeen feet high. These wings, are pierced with slip windows, and finished with embattled parapets, in the same manner as the centre building.

The octagonal towers which flank the wings, and the bastions on the extreme angles of the front, are likewise crowned with pierced battlements, corresponding with the rest of the design. The bastions project two feet from the wing-walls, and measure, on each face, fifteen feet in width at the base, and thirteen feet at the top.

The centre building is surmounted by an embattled octagonal tower, which rises to the height of seventy-seven feet from the ground.

The interior is disposed in two general divisions, one for untried prisoners, and the other for male convicts; the female convicts being confined in a building on the adjoining lot.

The main prison contains four hundred and eight separate cells, built in two blocks of three stories in height, extending from each wing at right angles with the principal front. The cells open into a corridor of twenty feet in width, occupying the centre of each block and extending the whole length and height of the building. The second and third stories are approached by means of granite stair-ways leading to galleries, supported by cast iron brackets; a clerk's office is situated at the head of each corridor, from which every cell door may be seen throughout the whole range.

Each cell is nine feet wide, thirteen feet long, and nine feet high, arched with bricks, and floored with oak plank. They are all furnished with separate hydrants, water-closets, flues for ventilation, flues for the admission of fresh air, and flues for admitting warm air, generated by furnaces placed in the cellar of the building.

The furnaces are constructed at each end, and in the centre of each block, and the warm air is conveyed along passages of three feet in width, under the pavement of the corridor. The smoke flues are formed in these passages, the bottom and sides of them being composed of bricks, and the top of cast iron plates; these flues extend horizontally from the main furnaces at each end, to the centre, where they rise perpendicularly to the top of the building; an ascending current is produced in the vertical portion of each flue, by means of small furnaces constructed in the centre, and which are also made to impart heat to the cells adjacent to them; by these means an active current is formed in the horizontal flues, and heat is conveyed along the whole range in sufficient quantities to keep all the cells of an agreeable temperature.

Each cell has a wooden door on the outside face of the wall, and an iron one on the inside; both doors are secured to a cast iron casing or frame, which extends through the whole thickness of the wall. The hydrants and water closets are supplied from the works at Fairmount.

The kitchen, bake-house, laundry, and bath-houses, are situated in a separate building, occupying a space of forty-three feet wide by seventy-two feet long, in the yard between the two blocks of cells; they are approached from both divisions of the prison, by means of covered passages.

The kitchen is furnished with a large steam boiler, and four cast-iron reservoirs, of eighty gallons each, in which all the boiling for prisoners is done by steam.

The apartment for females is situated on an adjoining enclosure, of one hundred and fifty by three hundred and forty feet, entered by a gateway from the yard of the main prison. The building measures forty-three by two hundred and eighty-two feet, and consists of two stories in height, embracing one hundred separate cells of eight feet by twelve, a suite of rooms for an infirmary of twenty by fifty-one feet, and two rooms for a keeper, each twenty by twenty. The arrangements for hydrants, water-closets, warming, and ventilation, are similar to those already described.

The principal entrance to this portion of the establishment is from Eleventh street; it consists of a gateway of nine feet in width, placed in the middle of a projecting centre of fifty feet, composed of brown sand-stone, finished in the Egyptian style of architecture. The whole western front is built of the same material, and in the same style.

The Debtors' apartment is a separate edifice, and stands north of the main prison, and east of the female apartment; it presents a front of ninety feet, composed of brown sand-stone, in the Egyptian style of architecture. The façade consists of a recessed portico, supported by two columns, proportioned from those of the Temple of the Sun, on the Isle d'Elephantine in Egypt. The windows are crowned with the massy bead and cavetto cornice peculiar to the style, and the top of the building is finished in the same manner. A winged globe is carved in the cavetto of the main cornice, and a similar ornament is introduced over the door.

The aggregate cost of the whole work was upwards of \$450,000; the County Prison was founded in 1832, and finished in 1835; the debtor's apartment was built in 1836, and the apartment for females was commenced in 1837, and finished in 1838.

The prison, since its completion, has been under the management of a Board of Inspectors, varying in number from time to time; the present number, as fixed by law, is fifteen.

No. 2.—*New Scheme of Prison Discipline.*

We might better say, perhaps, an old scheme revived,—for we believe the idea of employing convicts, in masses of one or two thousand, in agricultural labor, has been often broached and maintained as a very economical, practicable and philosophical mode of dealing with such people.

Mr. CHARLES PEARSON, M. P., has been lecturing in London during the ~~last~~ winter, and either from an increased interest on the subject generally, or from some peculiar attraction in the plan or its chief advocate, it seems to have excited considerable public attention. His scheme, as we learn from the reports, is based on the general principle, that "the foundation of prison discipline must be continuous industry. We should adopt a system which, without involving any unnecessary infliction, would give a man the means of labor and the inducement to labor. Now it was possible, as he maintained, to purchase 1,000 acres of land within sixty minutes' distance of the place where he was then standing, which did not produce 2s. 6d. an acre a-year; it was possible to place a prison on that land of adequate strength, so as to contain one thousand prisoners; a wall might be built round that land—lofty, thick and substantial, and the whole at an expense of £100,000, or £100 per prisoner. By spade cultivation, and by constant labour, these 1,000 criminals would support themselves and pay the whole of the expenses. The next proposition he made was, that 10,000 prisoners, between the ages of fifteen and forty-five, (which constituted the large class of the prisoners of his country,) could, by the spade cultivation of the land, by constant and continuous labor, dig out, not only sustenance enough, in every article of prison consumption, for their own support, as well as for the support of the officers engaged in the control of the prison, but have an ample stock to pay the salary of the governor and wardens. He would deal with a man in prison, as he must be dealt with in a state of freedom. The Scripture told us that if a man would not work, neither should he eat. On what principle was that law to be suspended when it was to be applied to the criminal

population? All the prison systems had failed, by placing a man in an artificial instead of a natural state. The error had been to try to make good prisoners instead of good men. Mr. Pearson then proceeded to exhibit drawings and a model of the prison he proposed. It contained partitions for separation by night, and cells in which he proposed to place each prisoner for two hours every day."

Some of the London papers express the opinion that "a sweeping change is likely to be made in the present mode of dealing with prisoners," but until there is more consistency in the views of those who are for pushing the new scheme into notice, we apprehend there will be no very great achievement made by them. There seems to run through all the debates and comments on the subject, a vein of special opposition to the new prison at Reading, of which Mr. Field is chaplain,* and of course (as we suppose,) to the whole theory of separation.

The papers tell us that Mr. Pearson "firmly sets his face against the coddling sentimentality of the Berks school," and that he has courageously denounced the "Prison Palaces" of our day. "Crime," says a London paper in noticing Mr. P.'s theory,—"crime ought not to be treated with more leniency than destitution, especially when it can only be so treated at the expense, in part at least, of destitution. Punishment cannot be converted into indulgence with any successful reformatory results. Mr. Pearson's principle is, we venture to affirm, a sound one—namely, that honest laborers who obey the law, are not to be badly clad, badly fed, badly housed, whilst those who break the law are provided, out of the fruits of honest industry, with all the necessaries, most of the comforts, and many of the luxuries of life. Had we space, we might quote from our "Politics of Christianity," to show that this is no novel judgment of ours, received without reflection, and adopted for the occasion. We have long been of opinion that it is the tendency of our times to deal with our honest poor as criminals, and with our criminals as unfortunate."

Without examining the soundness of this opinion, we may venture to say that the separate mode of imprisonment has not generally been objected to on the ground of its leniency, nor because it does not deal with criminals as convicts. We presume, therefore, that the "coddling sentimentality" which prevails in *prison* palaces, must be looked for in a different quarter. Perhaps something resembling it may be found in the great "Manual Labor School for convicts," established near Boston, of which honorable mention is made in a late pamphlet "on Prison Discipline in America." But so far as our knowledge extends, no mode of treating convicts combines so much of wholesome penal discipline, with so little sacrifice of self-respect and social standing, as *separation*.

Mr. Pearson's design, (so far as the reports disclose it,) is to place convicts in a "*natural*" social state, but he seems to overlook the cause of their

* An able review of Mr. Field's work was published in the number of this Journal for January 1849.

being in an *artificial* social state. A wolf that has been killing all the sheep within his range, finds himself in any thing but a "natural" position, when his foot is held fast in a steel-trap; but the farmers will all remonstrate against his restoration to a social position without some guaranty that he will find board elsewhere than in their sheep-folds.

"The system proposed by Mr. Pearson aims at establishing habits of manual occupation, combined with moral and religious instruction, in the same proportions as would be the lot of the laboring poor in a well-ordered community. He would call these habits into action, by raising from time to time the rate of diet from the lowest the law allows to the standard of a well-regulated workhouse, and by abridging the duration of imprisonment, according to the amount of continuous labor and good conduct of each class of prisoners, classified according to the age, strength, and capacity of each individual. Every hour, he says, of a prisoner's life wasted, and every shilling of the public money expended in prison discipline not warranted by these objects, is, according to the doctrine of his system, a misapplication of time and money."

If Mr. Pearson's plan should be adopted, he and his friends assure the public that the prison population of the country would maintain itself, and not a shilling would be taken from the honest part of the community for the purpose!

At one of the meetings held in London to hear Mr. Pearson's statements, it was resolved, "that there is so much palpable truth and sound sense in the proposal," that it ought to be subjected to investigation by a Parliamentary committee; and if it shall appear that such a result, or anything approaching to it, can be realized, that measures should be taken to found establishments for carrying the project into execution; "it appearing to this meeting that a large portion of the criminal population of this country, if subjected to industrial and reformatory discipline in the way proposed, may be transplanted as free settlers, with advantage to this over-populated nation, as well as to the colonies to which they may be transferred."

In the House of Commons, on Tuesday May 15, Mr. Pearson moved for a Select Committee to inquire and report upon the practicability of establishing an uniform system of discipline, punitive, reformatory, and self-supporting, to be applied to all prisoners convicted of crime. After advertng to the enormous expense of the present system, which, he contended, was of itself sufficient to justify inquiry, he said that, "in addition to the expense, there had been an immense increase of crime, which had advanced 400 per cent., whilst population had increased only 65 per cent. He charged the present system with inflicting an enormous injury on the rate payers, the poor, and even the prisoners themselves, the mass of whom were men, who, in a state of freedom, would be able to support not only themselves, but five others. His object was to make continuous labor the means of punishing the criminal, of reforming him, and of enabling him to support himself,—a scheme which had been successfully carried into practice in other countries. The objection urged against labor in prisons, that it would displace

free labour, he met by showing that the products of prison labor in Belgium could not be prevented from competing with our free labor market. He proposed to put into action, amongst criminals, the principle which actuated all mankind, by making the duration of their imprisonment, and the quantity and quality of their diet, depend upon their actions and industry. He then urged the moral effects of this reformatory plan upon convict emigrants, and he contrasted it with the present separate system, which he pronounced "an utter and entire failure." The question of secondary punishments was a problem, but it was capable of being solved by following the light of reason and of religion.

Sir George Grey said Mr. Pearson's motion embraced too wide a field of inquiry. He agreed in considering that every good system must connect labor with imprisonment, and that needless expense had been incurred in the erection of county jails; but in both respects, improvements had been made, and the whole system of treating criminals was more efficacious in suppressing crime than heretofore. He believed that the separate system, notwithstanding the objections stated by Mr. Pearson, had proved a good system in repressing crime and reforming criminals, and there were serious and obvious inconveniences in carrying into effect the principle of Mr. Pearson's plan of labor-sentences. Many of the subjects suggested by Mr. Pearson were not proper matters for inquiry by a Committee, and he thought he had made out no case that would justify the House in appointing one. Sir George noticed briefly some of the positions of the mover, and believing that the objects of secondary punishment would be better attained under the system now being carried into general operation than by any other plan, he expressed his hope that the House would not enter upon so large and comprehensive an inquiry as that proposed. He should not object to the appointment of a Committee to inquire into the plan of building prisons, and into the treatment of prisoners, provided that inquiry extended over a limited period, and was confined to a comparison of the present with the former systems, but to the indefinite motion of the hon. gentleman, he could not consent. The debate was, on motion adjourned.

We presume that the essential element of Mr. Pearson's plan is identical with that of Capt. Maconochie's *social*, in contradistinction from both the *silent* and *separate* systems of discipline, which was presented to public notice several years since.* Before we should be disposed to pin our faith on any scheme of Capt. M.'s devising, he must satisfy us that the principles which he holds on the general subject of crime and its punishment, are not radically unsound and impracticable.

* General views regarding the social system of convict management. Hobart Town, 1839, pp. 40.

No. 3.—*Second Annual Report of the Inspectors of the Philadelphia County Prison, February, 1849, pp. 31.*

Since No. 1 of these notices was prepared, we have received the Second Annual Report of the same institution. It is an important document, the preparation of which involves no inconsiderable labor. Twenty-four of the thirty-one pages are taken up with tabular statements. From these we gather several interesting facts.

The number of prisoners of all classes, in confinement in the course of the year was 4,948. The number committed during the year was 4,418, of whom 2,583 were white males, and 708 white females, 586 coloured males, and 541 coloured females. The number received into the untried department in 1848, was 9½ per cent. less than in the previous year.

The whole number of prisoners committed for "triable offences in 1848 was 1,794, or 113 less than in 1847. Of these 1,794, only 689 were actually returned on the calendar to court, leaving the very large number of 1,105 discharged by other authority than the court, and before trial."

Of the commitments during the year 1848, 1,191 were coloured, (viz. 632 males, and 559 females,) being more than one-fourth total number committed.

Extensive repairs are about to be made in the prison edifice, chiefly with a view to improved ventilation. The public will look, with much interest, for any improvement on this score. Some of the official visitors to the *County Prison* and the *Eastern State Penitentiary*, have long regarded the ventilation of both, as exceedingly defective, and have sought, with no little anxiety, for a correction of the evil.

The inspectors have appointed Mr. John Woolson as moral instructor. Mr. W. has been long and successfully employed in this capacity at the expense of a few private individuals, though with the full concurrence of the Board. He has taught more than two hundred prisoners to read since he has been thus employed.

Of the 4,418 committed, 1,404 were for disorder and breach of the peace, 815 for assault and battery, 438 for stealing, 423 for vagrancy, 379 for intoxication, 306 for abuse and threatening, and for riot 51.

Of one hundred and sixty sentenced to hard labor during the year, 96 were whites, and 64 coloured; 145 were for larceny; the sentences of 107 were for less than a year; the nativity of 107 was out of Pennsylvania; 34 were under 20 years of age; 127 were first convictions; 98 of the 160 were never married, 71 of them were never apprenticed to any regular business; 43 of them could neither read nor write, and 96 were moderate or immoderate drinkers of ardent spirits.

The report contains a very interesting tabular view of the history of the prison, from the day it was opened, October 19, 1835, to December 31, 1848. If our limits allowed, we would copy it; but as it is, we must content ourselves with a parallel of two years, viz. 1838 and 1848.

| Statistics relating to prisoners sentenced to hard labor in Phil. Co. Prison. | | | | | 1838. | 1848. |
|---|--|-------------------------|-------------------------|-------------------------|-------|-------|
| In prison at the beginning of the year, | - | - | - | Males, | 183 | 160 |
| Do. | do. | do. | - | Females, | 37 | 25 |
| Received during the year, | - | - | - | W. males, | 120 | 83 |
| Do. | do. | - | - | W. females, | 8 | 13 |
| Do. | do. | - | - | B. males, | 84 | 46 |
| Do. | do. | - | - | B. females, | 36 | 18 |
| Remaining in the prison at the close of the year, | - | - | - | Males, | 154 | 143 |
| Do. | do. | do. | - | Females, | 34 | 22 |
| Discharged during the year by pardon, | - | - | - | Males, | 2 | 13 |
| Do. | do. | do. | - | Females, | | |
| Do. | do. | expiration of sentence, | - | Males, | 217 | 123 |
| Do. | do. | do. | - | Females, | 46 | 32 |
| Do. | do. | death, | - | Males, | 14 | 10 |
| Do. | do. | do. | - | Females, | 1 | 2 |
| Of the pris. rec. during the year, there could read, | | | | | 57 | 63 |
| Do. | do. | do. | do. | read and write, | 78 | 46 |
| Do. | do. | do. | do. | neither read or " | 113 | 51 |
| Do. | do. | do. | do. | there were intemperate, | 157 | 47 |
| Do. | do. | do. | do. | mod'rate drinkers, | 63 | 49 |
| Do. | do. | do. | do. | abstinent, | 28 | 64 |
| Do. | do. | do. | do. | under 1st conviction, | 181 | 127 |
| Do. | do. | do. | 2d | " | 30 | 18 |
| Do. | do. | do. | 3d | " | 21 | 13 |
| Do. | do. | do. | 4 and more convictions. | | 16 | 2 |
| Pris. whose 1st sentence was to the Philadelphia County Prison, | | | | | 230 | 146 |
| Do. | 2d sentence was to this prison, first served in another. | | | | 18 | 10 |
| Do. | 3d sent. was to this prison, 1st & 2d serv. in another. | | | | | 9 |

A glance at these columns suggests matter enough for a volume of reflections, which we shall leave our readers to compile at their leisure.

In respect to the health of the prison, very full and satisfactory statistics are given, extending through the whole time of its occupation. For the last year, the returns show that among 160 convicts to hard labor, there were twelve deaths, of which one was a white male, and four white females, five coloured males, and two coloured females. Eight of the twelve died of consumption, and two of scrofula. Six were in good health when received. Twenty-three cases have been under treatment for insanity from October 19, 1831, to December 31, 1848. Of these, 19 were known to have been of intemperate habits, and fourteen were suffering from mental derangement when committed, of whom five were cured in prison, and six were pardoned and sent to the Lunatic Asylum at Blockley Almshouse. The insanity of nine is attributed to secret vice, and two of the cases remained in prison at date of report. The opponents of the separate system will find no support for their position in this document. On the contrary, so far as the principle of separation is adopted in our county prison, so far it establishes the opinion expressed by the inspectors, in their present report, of "the great superiority of separation over congregation."

It may be inferred from our qualified phraseology, that this distinguish-

ing feature of our Pennsylvania prison is not so strictly maintained in the County prison as it should be. How far the present administration of the discipline of that prison may justify such an inference, is not for us to say; but we are quite sure that any relaxation of the rule, requiring the liberal and absolute personal isolation and separation of each convict from all other convicts, is contrary to law, and of course, we presume, unknown to the Inspectors.

The per centage of Deaths is as follows :

| | No | Deaths. | Per Ct. |
|------------------------|-------|---------|---------|
| White males, - - - - - | 1,351 | 36 | 2.67 |
| " females, - - - - - | 175 | 1 | 57 |
| Black males, - - - - - | 997 | 107 | 10.70 |
| " females - - - - - | 395 | 11 | 2.78 |
| | 2,818 | 155 | 5.50 |

The daily cost of the prisoners per head, all expenditures included, is twenty-five one-tenth cents; exclusive of salaries and fuel, thirteen one-tenth cents.

No. 4.—From Report on the Sanitary Condition of the Borough of Preston, by the Rev. J. Clay, to the Commissioners for Inquiry into the health of large towns and populous districts.—The Preston House of Correction.

Since our main article in relation to this institution was sent to press, it has occurred to us, that a paragraph was due to the remarkable health statistics which its history furnishes.

For more than five years, the daily average number of prisoners has exceeded 219 (one-sixth of whom have been females,) exclusive of infants, who do not appear on the books, and who are generally about six in number. The average age of the 219 prisoners, seems to have been 29.9 years. During the period mentioned, one death took place from a casualty, and only one from natural causes; the latter being the case of an aged female, who was in a dying state when brought into the prison; this gives a rate of mortality in the proportion of one death to 547 persons. Now the mortality in the town of Preston, for the five years ending June 30th, 1843, has been proportionately 17 times as great as that which has taken place within the prison walls. In other words, if the rate of mortality in the town had been the same as that in the prison, instead of 7767, only 457 would have been recorded. Or, if in the comparison, we place against the deaths in the prison, those only in the town which take place after 21 years of age, and call them for the five years, 2556, we still have an excess of nearly 2000 deaths, above what would have taken place had the same ratio obtained in the town which obtains in the prison table.

But there are many circumstances favorable to the general probability of life in a prison, not existing in town. The small proportion of the aged, the many vagrants, with constitutions braced by fresh air, these, and other facts tending to raise the general chances in favor of prison life, may not be fully counteracted by the depressing effect of confinement, and the weakened constitutions of many of the dissipated and profligate. But while it is admitted that the inmates of the gaol, have as a body, better chances of life than the general population, it should be borne in mind, that these chances derive their greatest value from cleanliness, proper food, good air, regular hours and exercise, sobriety and medical attention; all of which, might be observed and maintained, by the general mass of the people, if they would only strive to do for themselves, what discipline and order do for the prisoners.

No. 5.—*Female Visitors to Female Convicts.*

We have been much interested in a brief MS. account of the services rendered during the last year by a band of female visitors to the female inmates of the State and County Prisons in Philadelphia. The association is composed of about twenty women, who meet monthly, and compare the views and observations which they have severally made, when on their round of duty. Once every week they have visited the Eastern Penitentiary, and the County Prison once in every two weeks. Their quick discernment of those features in the domestic economy of such an institution as involve health, comfort, cleanliness, purity of air, clothing, nursing, &c., must enable them to render essential service, and we are happy to learn from their report, that their visits are always welcomed by all parties.

The number of females in our prisons has been less the past year than at any former period, being on an average, only 14 at the Eastern State Penitentiary, and 80 at the County Prison, 60 of the latter being vagrants. The visitors state, "that they have not found, even among the most depraved, a single instance of one so callous, that the voice of kindness has not found its way to the heart; and some have regarded it as the dispensation of a kind Providence, that they have been brought to a secluded home, (even in prison,) where, apart from evil associations and influences, they might seek repentance and forgiveness."

It is an interesting result of the labours benevolently bestowed upon these outcast women, that many of them who were unable to read or write when committed, have been so successfully taught, that they now readily read the Scriptures; and some who did not know their letters when received, have made such progress as to be able to correspond with their benefactors.

The Board of Visitors set forth the urgent necessity they have felt for a **TEMPORARY REFUGE**, where the discharged female convicts might be re-

ceived for a short time, to test or confirm resolutions of amendment, before encountering the severity of even the common temptations of life. As it is, they are often obliged to let the discharged female convict pass from the prison unprotected and unprovided for, rather than impose her upon families who would not be willing to receive her if they knew whence she came. For want of some probationary resting place between the convict's cell and the busy and wicked world, pleasing hopes of a permanent reformation are often times blasted in the bud.

No. 6.—*John Augustus; or, A Friend in need is a Friend indeed.*

We have long been aware of the timely and efficient efforts of this individual; who, though not an officer of the courts of the city of Boston, is a very close attendant on some of them, and whose chief aim seems to be, to aid accused persons, who show any disposition to do well, by furnishing security for their appearance, and thus saving them from imprisonment.

His first effort in this line of humanity was made six or seven years ago, in behalf of a man convicted of being a common drunkard. He entered bail for him, and forthwith took him into his own custody, and by a course of judicious treatment, induced him to forsake his cups. When the time for his appearance came, his friendly bail appeared in court, represented the reform which had taken place in the accused, and upon the payment of a nominal fine and the costs, the man was discharged, and has ever since remained a temperate man and an industrious citizen. Encouraged by his success in this case, he entered into the work as a calling, and in the course of seven years, he became bail for 253 males and 149 females, nearly or quite all of whom were convicted in the Police Court of being common drunkards. The amount of bail entered in 440 cases was \$15,320, and the sum of the fines and cost was \$1,540, which was paid by Mr. Augustus. It is remarkable, that not one of the persons thus bailed, violated the confidence which Mr. A. reposed in them. They all appeared as their bonds required.

About five years since, he enlarged his sphere of operations, so as to embrace the municipal court, where, during that period, he bailed 159 males and 138 females, the aggregate of the bail being \$42,350. In only one of all these cases was the object of his benevolence treacherous, and that was a female! Among those whom he befriended in this court, were several vagrant boys indicted for larcenies, and for many of whom he succeeded in obtaining eligible places on farms or at trades, with every prospect of their reformation.

No. 7.—*Blockley Alms-House.*

The whole number of paupers received into the Blockley, (Philadelphia County,) Alms-house in 1848, was 3584, exclusive of 985 cases of insanity

and mania-a-potu. Of the 3584, the following is given as the nativity.—Pennsylvania, 239; New Jersey, 60; Maryland, 25; Virginia, 7; Massachusetts, 3; New Hampshire, 1; South Carolina 1; Delaware, 20; New York, 18; Vermont, 4; Maine, 1; Ohio, 1; United States, (States not known,) 569; Ireland, 1650; Germany, 435; England, 227; Scotland, 46; Canada, 3; Spain, 3; Poland 3; West Indies, 3; South America. 2; Russia, 1; France 16; Sea, 1. Total,—Natives of this country, 1141: foreigners, 2345; unknown, 98. It would be quite a sensible diminution of this enormous burden, if we could charge over to the various States and kingdoms whose paupers we support, their proportionate share of the expense, as towns are allowed to do to each other, in some of our States. Indeed, we would compromise the matter, if only the British government would assume its due proportion. It would sweep off 2000 of the 3500.

No. 8.—(*London*) *Society for the Protection of Young Females.*

At a meeting of this useful institution, held a few weeks since, a report of the year's proceedings was presented, from which the following interesting facts are drawn:—Twenty-five infamous houses had been closed, (making 221 which have been closed by the Society's agency in the last twelve years,) and a prosecution against a man by the name of Murray, who is the keeper of not less than 50 of these establishments in London, had terminated in his conviction and sentence. On one indictment only, he was sentenced to three months hard labor in the House of Correction, and a fine of £150. During the year there were received into the asylum 88 females, the eldest not exceeding fifteen years, of whom 12 were restored to friends, nine sent to service, and one dismissed for bad conduct, leaving 66 on the foundation; and making a total of 425 who have been received.

No. 9.—*Crime in Liverpool.*

The population of Liverpool, does not vary essentially from the population of Philadelphia, being probably not far from 200,000. The following statement is taken from a return of the stipendiary magistrate to the parochial authorities; and certainly sets the criminal returns of Philadelphia city and county in a very favorable contrast.

The total number of prisoners brought before the magistrates in 1840, was 17,469; in 1841, 17,766; 1842, 16,580; 1843, 15,615; 1844, 15,244; 1845, 16,743; 1846, 18,171; 1847, 19,719; 1848, 22,036. The number of persons committed for trial, and summarily convicted for stealing in the town and on the dock-quays, during the years 1845, 6, 7, and 8, were: 1845, 3,829; 1846, 4,740; 1847, 6,510; 1848, 7,714. The following is a return of the persons brought before the magistrates, distinguishing the different countries to which they belong, during the year 1848:—

| | Males. | Females. | Total. |
|-----------------------|--------|----------|--------|
| English, - - - - - | 7,138 | 3,650 | 10,788 |
| Irish, - - - - - | 5,280 | 3,514 | 8,794 |
| Scotch - - - - - | 644 | 243 | 887 |
| Welch - - - - - | 519 | 265 | 784 |
| Isle of Man - - - - - | 123 | 25 | 153 |
| Foreign - - - - - | 607 | 23 | 630 |
| Total - - - - - | 14,316 | 7,720 | 22,036 |

A return of the number committed to the borough gaol for the year 1848, with the places to which they belong:—

| | Felonies. | | Misdemeanors. | | Total. |
|-------------------|-----------|----------|---------------|----------|--------|
| | Males. | Females. | Males. | Females. | |
| English - - - - - | 318 | 157 | 2,936 | 1,693 | 5,104 |
| Irish - - - - - | 136 | 114 | 2,476 | 1,935 | 4,661 |
| Scotch - - - - - | 15 | 7 | 175 | 103 | 305 |
| Welch - - - - - | 19 | 11 | 106 | 114 | 250 |
| Manx - - - - - | 3 | 2 | 21 | 16 | 42 |
| Foreign - - - - - | 15 | 1 | 301 | 27 | 344 |
| Total - - - - - | 506 | 292 | 6,015 | 3,893 | 10,706 |

No. 10.—*The Indiana Institute for the Education of the Blind,*

Made its second annual report to the Legislature, December 4, 1848. Twenty-eight pupils have been under instruction during the year, and the prospects of the institution are, in a high degree, encouraging.

No. 11.—*New Jersey Prison Reform Association.*

We are happy to notice the organization of a society under the above title, the leading objects of which are thus set forth in the articles of association:

First. The improvement of the prisons and jails of the State.

Secondly. The physical, moral and religious improvement of prisoners therein, especially the improvement of juvenile offenders, and the provision of more ample and appropriate means than now exist in the State for their proper punishment and reformation.

Thirdly. The due encouragement of all such convicts on their discharge as shall have conducted themselves well during their imprisonment, and who, on professed resolutions of amendment desire aid in procuring by their

labor the means of an honest livelihood, and in regaining the blessings of a reputable character.

The Constitution provides for the appointment of a central committee for each county. It is made the duty of the central committee to keep a general supervision over the interests of State Prison convicts; to encourage and advance in every suitable manner the prisoners' reformation; to provide to the extent of their ability suitable labor, and secure homes for those discharged convicts who desire the aid of the association, and who will, in their opinion, profit by the aid afforded. The secretary of the committee shall maintain correspondence with a similar officer in each of the county committees for the purpose of gaining information and advancing the objects of the association.

It is made the duty of each county committee to visit the prisons of their county, and with consent of authorities, to examine all their arrangements—note their excellencies and defects—inquire into the mode of treatment and government—whether a proper classification is maintained, and with due regard to age and sex—whether especially an adequate supervision is extended to young prisoners to prevent increased contamination by intercourse with older offenders, and to encourage their reformation—whether workshops or any means of productive labor are provided, and to ascertain the full condition of the prison, what wants and defects exist, and whether they may not by legislative enactment or voluntary benevolence, or both, be corrected and supplied. It is further made their duty to use their influence in behalf of discharged convicts, properly recommended, to secure employments for them, to correspond and furnish information to the central committee, and to report at annual and other meetings.

These labors, if faithfully bestowed, must be productive of the best results. The governor of the State is at the head of the society, and we recognize among its subordinate officers some of the most intelligent and tried friends of true prison reform. The *Newark Sentinel*, in giving notice of this movement, says,

The leading object of the organization, it would thus appear, is to corroborate the administration of public justice. To this end a direct effort is proposed to effect some wholesome reforms in our county prisons, many of which are notoriously unfitted to accomplish the humane spirit of the criminal courts. The prisoners in most cases, we understand, are thrown together indiscriminately, without due regard to differences of character, crime, age, and sometimes even of sex, and with little or no attention to health. So that they become the means of further corruption, instead of punishment and reformation. And the officers who have charge of them are not always men qualified for the station. Evils like these call for thorough reform. Much, doubtless, may also be done towards promoting the reformation of juvenile offenders, though on this subject we entertain no very sanguine hopes. The most that can be done in general, as it seems to us, is to see that the law does not throw them into worse associations than those from which it takes them.

They may, moreover, be made to feel that while the power which punishes is just, it is never cruel, however rigorous, and to this end the ministrations of religion may be usefully employed. But whenever more solicitude is expressed for the comfort and condition of the criminal than the guiltless: whenever the abode of the offenders whom society denounces for their crimes is made more cheering and grateful than the homes of honest, faithful and laborious industry, a premium is held out for the commission of crime, and all the objects of the law may be frustrated. The kindness thus shown to the guilty is cruelty, and mockery, and insult to the humble and honest.

Punishment must be suffering, or there is a confusion in words. It need not be, and ought not to be, cruelty. But the just severity of the law is quite as necessary as any of its rewards—as the means by which it gives education or bestows its honors on the worthy.

No. 12.—The Thirty-third Annual Report of the American Asylum for the Deaf and Dumb, at Hartford, (Conn.) May 12, 1849. 8vo. pp. 64.

This interesting document shows that 205 pupils have been under tuition in the course of the year—two more than ever before—ranging in age from 8 to 27 years; 119 being under 15 years of age, 67 between 15 and 20, and only 19 over 20.

Two have been under instruction for about six months, 36 about one year, 47 about two years, 45 about three years, 36 about four years, 29 about five years, 10 about six years, and 1 about seven years.

Of the pupils 114 were males and 91 females, as follows:

| | BENEFICIARIES. | | PAY. | | TOTAL. |
|---------------------|----------------|---------|-------|---------|--------|
| | Male. | Female. | Male. | Female. | |
| Maine, - - - | 19 | 12 | 1 | 0 | 32 |
| New Hampshire, - - | 9 | 12 | 0 | 0 | 21 |
| Vermont, - - - | 10 | 7 | 1 | 0 | 18 |
| Massachusetts, - - | 37 | 38 | 1 | 2 | 78 |
| Rhode Island, - - | 3 | 3 | 0 | 0 | 6 |
| Connecticut, - - - | 18 | 9 | 3 | 0 | 30 |
| South Carolina, - - | 3 | 5 | 0 | 0 | 8 |
| Wisconsin, - - - | 0 | 0 | 1 | 0 | 1 |
| Illinois, - - - | 0 | 0 | 1 | 0 | 1 |
| Alabama, - - - | 0 | 0 | 1 | 0 | 1 |
| Texas, - - - | 0 | 0 | 0 | 1 | 1 |
| Canada, - - - | 0 | 0 | 5 | 0 | 5 |
| Nova Scotia, - - - | 0 | 0 | 1 | 2 | 3 |
| | 99 | 86 | 15 | 5 | 205 |

Our readers are probably aware of a very interesting inquiry, which has been long under discussion, respecting the practicability of the German system of instructing deaf-mutes to articulate. The conclusion to which the intelligent principal and directors of the Hartford Asylum came, upon a full report of the former, of the results of his personal observation of the European institutions, was against the substitution of articulation for communication by signs. Two elaborate reports upon the subject have been published in this country, (one from Mr. Weld, of the Hartford Asylum, and the other from Rev. Mr. Day, formerly a teacher in the New York institution,) which of course excited discussion abroad, and, (according to the fashion of the times,) two public conferences were held, one in Wurtemberg in 1846, and another in Baden in 1847, at each of which the merits of the two systems were freely examined. Mr. Morel, editor of "Annals of Education of Deaf-Mutes and Blind" at Paris, and a teacher in the National Institute in that city, was present at the last of these conventions, and has

published, in his paper, the substance of the arguments used by the advocates of articulation, with observations upon them, a translation of which forms a valuable appendix to the document before us. The conclusions to which Mr. Morel arrives are concisely expressed as follows:

The language of signs is the natural, original language of the deaf-mute.

It is not the end, but the basis and principal instrument of his education.

As the language of signs is not the ordinary means of social communication, its use must be restricted, in proportion as the mute learns the language used in society, so that he may become accustomed to use the latter.

Writing, considered as a material instrument, is within the reach of all deaf-mutes; and, as an embodiment of thought, its acquisition presents fewer difficulties than articulate language.

Writing, together with the language of signs, is the leading instrument of instruction and medium of communication between teacher and pupil.

Articulate language has for the deaf-mute only a part of the advantages which it has for persons endowed with the sense of hearing: like writing, it acts upon the intellect only in an indirect manner; but it has not the fixedness, the certainty, the precision, and the efficiency of the latter.

Oral language involves, for the deaf-mute, two subjects of instruction, articulation and reading on the lips.

Articulation and reading on the lips do not correspond to each other as speech and hearing.

Neither of these is essential as a means of instruction; their true utility arises only when the pupil leaves school.

As speech is the general mode of intercourse among men, this would the most completely restore the deaf-mute to society.

But oral language cannot be taught to all deaf-mutes, and is taught only imperfectly to those who are most capable of learning it.

Oral language not being within the capacities of the generality of deaf-mutes, should not be considered as the basis and the principal instrument of their education.

It should be taught to those deaf-mutes who show capacities for this instruction.

No further attempt should be made to teach those who, after sufficient trial, have proved themselves unapt for this instruction.

The French schools should make a less constant use of the language of signs, and give more serious attention to articulate language. The German schools should make a more extended use of the language of signs, should further develop the moral and intellectual education of their pupils, and instead of attaching too exclusive importance to articulation, should confine themselves to teaching those to speak in whom it is possible to secure important and enduring results.

No. 13.—The Boston Asylum and Farm School, for Indigent boys.—Report, Act of Incorporation, By-laws, &c., pp. 46, 1849.

This institution is established on Thompson's island in the harbour of Boston, and about four miles from the city.

By its insular position and salubrious air, it affords peculiar advantages for accomplishing the purposes of its organization. It contains one hundred and forty acres of land, about seventy-two of which are under cultivation; the remainder being devoted to pasturage and the accommodation of

the pupils. The soil consists of a rich loam, with a light sub-soil, and is well adapted to the raising of all the grains and vegetables usually cultivated in New England. Trees cannot be grown to advantage, in consequence of their exposure to the easterly winds which prevail in the spring of the year. A small stock of cattle, pigs and poultry, is raised and kept on the island. A large barn, and all convenient and necessary sheds and out buildings, have been erected for the use of the farm.

The establishment for the boys is situated on the highest part of the island, and commands an extensive and beautiful view of the city, its harbor and surrounding country. It is a neat and substantial brick edifice, with a projecting centre and two wings. The first floor contains a wash-room, kitchens, dining-hall, and office; the second, a very spacious school-room, and several apartments for the Superintendent, family, and teachers. The boys' sleeping-room is in the third story, and is fitted up with beds in such a manner as to separate each boy from his neighbor, and permit the teacher, who sleeps with them, to overlook their conduct.

The establishment at the island is under the immediate direction of a Superintendent, a Matron, and an Instructor of the school. The salary of the Superintendent and Matron, who are man and wife, is at present \$1000, and that of the Instructor, \$350, exclusive of board. The Superintendent, or the Instructor under his direction, acts as a chaplain.

With regard to discipline, the object is to combine moral and intellectual culture with regular labor on the farm, or at other useful employments.

With this design, a school is kept, both morning and afternoon, for about six hours daily, in which are taught the elements of useful knowledge: reading, writing, arithmetic, geography, and grammar. During the evening, especially in the winter months, instruction is also given in the first principles of agriculture, horticulture, and botany: the different kinds of soil, the most important processes of cultivation, the names, uses, and distinctive qualities of seeds, plants, and trees, are explained and illustrated.

The moral and religious culture of the pupils is an object of pre-eminent importance in an Institution like this; and, of course, it is the aim of the Managers, as far as practicable, to make the whole discipline and instruction of the pupil, whilst upon the island, bear upon his moral and religious nature. Besides the wholesome influence of the school, regular labor on the farm or in the house, and the example and frequent conversations of the teachers, the pupils are required to attend prayers morning and evening, when the Scriptures are read; to ask a blessing and return thanks at each meal, and join in singing hymns, especially before going to bed. On Sundays they are collected in a Sunday-school, and receive instruction adapted to their spiritual wants and capacities in the regular services of that day, on which all persons on the island are required to attend. The teacher is occasionally assisted in the duties of the Sabbath, especially during the summer months, by clergymen and other gentlemen from the neighborhood; and the Institution is much indebted to these individuals for the valuable services which they have in this way afforded to it.

As incidental to these influences, it may be mentioned, that there is a good collection of juvenile books, selected with a due regard to the character and capacities of the pupils, to which they have access under the direction of the Superintendent.

In order that the pupils may be trained to habits of order and industry, and enabled, when they leave the institution, to pursue some occupation by which they may gain a livelihood, they are required to perform as much of the manual labor done on the farm, and in the house, as their various ages and capacities will permit. Each boy is required to make his own bed, and keep his clothes in order. Certain numbers of them are detailed in rotation for the work of the house: they sweep and scour the rooms, bring in wood, make the fires, lay and tend the table, assist in washing, attend in the kitchen; and, in short, do the greater part of the in-door work.

Some of the larger and most meritorious boys are assigned to the service of the boats, in the management of which they have become quite skilful. They go to market, bring supplies from the city, and attend the Superintendent whenever he leaves the island.

During the season of the farming operations, all the boys in the Institution who are of sufficient age and strength, are regularly employed in labor on the farm under the care of the Superintendent, who is a practical farmer. They are divided into two classes, which comprehend about half the whole number of pupils; and each class in rotation passes one week on the farm, and the succeeding week in the school. The object is to make them skilful, practical farmers. They prepare the ground, sow the seed, hoe and weed, and gather in grain and vegetables.

In the winter season, only a few boys are needed for out-of-door work; and these are selected by the Superintendent, and serve in rotation.

At the age of twenty-one, each boy is entitled to a suit of clothes; and, if apprenticed to a farmer, to one hundred dollars in money in addition. The Managers have power to apprentice boys to persons residing in any of the New England States; but in general they prefer those whose residence is within the State of Massachusetts.

The Institution is formed by an amalgamation of the *Boston Asylum for Orphan and Destitute Boys*, established in 1844, with the *Boston Farm School Society*, having for its object, "the reformation and education of boys, who, from the loss of their parents, or other causes, are exposed to extraordinary temptations, and are in danger of becoming vicious, and dangerous or useless members of society." The amalgamating act, describes the object of the institution to be "the relief, instruction and employment, of indigent boys," but the founders of the school describe it as including "the education and reformation of such, as from the loss of their parents, or other causes, are not only subject to the evils of poverty, but are exposed to scenes of depravity and vice." The following clause of the act, defines the class of boys to be received, and the authority to receive and dispose of them.

The said Corporation shall have power to admit into their institution any indigent boy above the age of five years, at the request of his parent or guardian; and to accept from his father, or, in case of his death, from his mother or guardian, a surrender in writing of any such boy to the care and direction of said Corporation. And they may take into said institution any other indigent boys residing in the city of Boston, who have no parent or guardian within the Commonwealth. And all boys so admitted shall be maintained and employed in said institution, and shall be instructed in moral and religious duties, and the learning usually taught in the common town schools; and, when of suitable age, shall be employed in a regular course of labor, and be so instructed in agriculture, or such other useful occupations, as to prepare them to earn their own livelihood.

The said Corporation shall have authority to retain and employ such boys on their farm, after they are of suitable age to be bound out, until the age of twenty-one years; or they may bind out such boys, when of suitable age, in virtuous families, or as apprentices at any reputable trade, until the age of twenty-one years, in like manner, and on the same conditions, as overseers of the poor may by law bind out the children of poor persons settled in their respective towns. Provided, that any such boy, who shall not have been surrendered to said Corporation in the manner herein provided, may be withdrawn from the institution, or the person to whom he is bound, by his parent or guardian, upon payment to said Corporation of the expenses incurred by them in the relief, support, and instruction of such boy.

By their rules, boys of five years and upwards are received into the school; and nothing in the Charter or By-laws prevents their retaining them till they reach their majority. Practically, however, few or none are admitted under eight years of age; and if over twelve, the committee of admission (otherwise authorized to admit of their own authority) are required to refer the case to the whole Board for their sanction. So, again, though the boy, when once received, may remain till he is one and twenty, the practice prevails universally of finding for him some apprenticeship or place of service, even before sixteen. There is only one boy at present on the island, as old as fifteen; and none, on the other hand, under eight.

Perhaps, the institution may be thought to serve its end, as much as in any other way, by providing protection, and, so to speak, parentage for that class of boys, whose parents or guardians neglect, or are unable to control them. A peculiarly interesting kind of subjects of this sort is afforded in the instance of sons left without a father, where, the mother being obliged to leave home for support by daily labor, the boys have no one to take charge of them, and soon acquire habits of truancy and vagrancy. Many of this class need but little oversight and control to be speedily brought within the influence of discipline, and make rapid improvement in the way of supplying their past deficiencies.

Ranking nearly under the same head, though frequently differing in the respect of having both parents alive, are a class of boys, who sometimes, as the law is now enforced in the Police Court of Boston are liable to be sent to the State Reform School as "stubborn children;" that is, boys who, from their own wilfulness, or their parents' weakness (generally the latter,) have out-grown home-government, and need to be brought under some salutary restraint. If boys of this description are not too old to be allowed to associate with the other scholars on the island, this is a class for whom the Farm School holds out especial advantages. It is quite astonishing how readily boys, hitherto accustomed to have their own way, and to dispute supremacy with inefficient or indulgent parents, are brought into habits of respect and order by a system of uniformly firm discipline. A hospital for the insane has hardly greater superiority over the private family in regulating its inmates, in this respect, than the Farm School over the mis-government or no-government of the weak and careless parent. A month's stay in company with boys accustomed to systematic discipline and obedience, and a sense that there is no escape from order and regularity, generally convert the most wayward into good pupils.

The class of *paying* boys is also one which the managers believe derives great benefit from the institution. This may best be explained, as the class whose parents are unwilling to surrender their boys to the institution entirely, but who, being just able to pay something towards the price of their board, prefer to leave them temporarily in the care of the institution. Sometimes it happens that a parent or guardian is about making that change in his or her domestic arrangements, that an opportunity of committing a boy to good management, for three months or more, while they could not give the proper attention to him themselves, is highly prized. Generally it so happens too, in the instance of these boys, that they are in that transition state between the forming of good or bad habits,—between becoming truants and vagrants, or good scholars and steady apprentices,—that the period of three months' or six months' good oversight makes an incalculable difference with them for life.

The present number of boys is eighty-five; of whom, fifteen are between eight and ten years of age; thirty-one, between ten and twelve; thirty-four, between twelve and fourteen; three, between fourteen and fifteen; and one fifteen years old. Twenty-five have both parents living; fourteen have a father; thirty-eight, only a mother; and eight are orphans.

The last report of the Superintendent says :

The boys have, in general, appeared well-disposed and happy. They have had plenty of exercise in the open air, both in labor and amusements; their persons and apartments have been made comfortable; their meals have been regular, and their food nutritious, ample, and varied; their habits have been attended to, and their physical condition not overlooked. Their rooms have been kept in good condition, and well ventilated; and the result has been kind and cheerful feelings and uninterrupted health throughout the year. This, however, has not been confined to the past year; for we have been so favored in this respect, that no physician has been called on account of sickness, but in one instance, for more than seven years!

John D. Williams, Esq., late of Boston, was an active friend of the Farm School, and made a bequest to it of \$16,000.

ITEMS OF INTEREST TO PHILANTHROPISTS.

— A new House of Refuge for juvenile delinquents is about to be erected in Baltimore.

— His Royal Highness Prince Albert, was to have officiated April 30, in laying the foundation stone of the chapel, school, and other buildings to be erected at Redhill, Surrey, near London, for the reformation and industrial training of criminal and vagrant boys. The Goldsmiths' company made a donation of £200 to the institution.

— The sum contributed by the admirers of the late Elizabeth Fry, for the erection of a monument to her memory, is to be invested in an asylum for discharged female convicts, to be built within two miles of the (London) Royal Exchange, and to be called the "*Elizabeth Fry Refuge*."

— At the opening of the February term of the Quarter Sessions of Philadelphia County, it was stated that the number of bills laid before the Grand Jury in 1848, was 1,737. Of these 464 were for felony, and 1,273 for misdemeanor. Of the whole number presented, 653 were ignored, the residue were returned true bills. Of those returned true bills, 862 were tried by the Court. Of that number, 424 were found "not guilty" by the petit jury. The rest of the bills were either settled by the parties, or the defendants could not be found, and a few remained for trial.

— It is stated that the Clinton State Prison of New York, cost the State last year \$32,000 over the income from the labor of the convicts, or four dollars a week, for each convict, over and above his earnings.

— The whole number of prisoners in the jails and other prisons of Massachusetts, during the year 1848, was 9,654, of which 1,177 were debtors. In the Houses of correction, the whole number was 2,459, of which number 1,294 were for intemperance.

— The abstract of the annual returns of the overseers of the poor of Massachusetts for the year ending Nov. 1, 1848, submitted to the legislature, shows that from forty-one towns no returns were received, but in the

174 almshouses which were heard from, the number of persons supported as paupers, is given as 18,693—of whom 7,166 have a legal settlement in the Commonwealth; 9,431 are State paupers, and 6,707 are foreigners from England and Ireland; the number of foreign paupers who came into the State during the year was 1,491. Besides these, 9,817 persons were aided or supported out of the almshouse, at an average weekly cost of a fraction less than \$1.08.

— The Governor of Massachusetts lately made a public affirmation, that the pauper tax of that State would show that ten thousand paupers now are supported, at a cost of \$200,000, who were made so by the use of intoxicating drinks, and that to support these paupers, cost the State more than the salaries of all the officers of the commonwealth, including the legislature!

— In the British House of Commons, February 14, Sir. G. GREY, in reply to Alderman Sidney, stated, that the government had recommended that the separate system should be kept in view in the construction of gaols; but it was not intended to bring in any Bill authorizing the Secretary of State to enforce one uniform system.

— In the progress of a debate in the Massachusetts Legislature, upon a Bill subjecting keepers of houses of ill-fame to imprisonment, it was stated that there were seven or eight hundred such houses in Boston, the female inmates averaging not less than six to a house! The present law was said to be entirely ineffectual, as the practice has grown up of imposing a nominal fine of from five to fifty dollars for a breach of the law—little better than a license for such houses.

— By the reports of the several district attorneys of Massachusetts, it appears that the whole number of criminal prosecutions in the State during the year 1848, was 3,545, of which 66 were for offences against the person feloniously, 307 do. not feloniously, 130 for offences against property with violence, and 655 do. without violence. Whole number of convictions 1677; acquittals 173; cases not pros'd 272; still pending 704; no bills found 487; criminals not arrested 104; defaulted on recognizance 128. Total costs in all the cases \$52,251,28.

— From a summary in the Portland Advertiser, of the Report of the Trustees of the Maine Insane Hospital, we learn that there were 126 patients in the Hospital on the 31st of March—the whole number under treatment during the year having been 250. There were discharged during the year 105—60 recovered, 28 improved, and 17 unimproved, Deaths, 18.

— It is said that the counties of Lancaster and Montgomery, (Pa.,) will probably soon build new gaols, and there is good ground to believe that the worthy example of Berks and Dauphin, will be followed in the construction of them.

— On the 9th of May, the foundation stone of the New Middlesex County Lunatic Asylum was laid, with the usual ceremonies, at Colney Hatch, near London.

TERMS:—ONE DOLLAR A YEAR IN ADVANCE.

THE
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AND
PHILANTHROPY.

PUBLISHED QUARTERLY

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CONSTITUTION

OF THE

"Philadelphia Society for Alleviating the Miseries of Public Prisons."

WHEN we consider that the obligations of benevolence, which are founded on the precepts and examples of the Author of Christianity, are not cancelled by the follies or crimes of our fellow-creatures: and when we reflect upon the miseries which penury, hunger, cold, unnecessary severity, unwholesome apartments, and guilt, (the usual attendants of prisons,) involve with them, it becomes us to extend our compassion to that part of mankind who are the subjects of those miseries. By the aid of humanity, their undue and illegal sufferings may be prevented; the links which should bind the whole family of mankind together, under all circumstances, be preserved unbroken; and such degrees and modes of punishment may be discovered and suggested, as may, instead of continuing habits of vice, become the means of restoring our fellow-creatures to virtue and happiness. From a conviction of the truth and obligation of these principles, the subscribers have associated themselves under the title of "THE PHILADELPHIA SOCIETY FOR ALLEVIATING THE MISERIES OF PUBLIC PRISONS."

For effecting these purposes, they have adopted the following CONSTITUTION.

ARTICLE I.—The officers of the Society shall consist of a President, two Vice-Presidents, two Secretaries, a Treasurer, two Counsellors, and an Acting Committee, all of whom, except the Acting Committee, shall be chosen annually, by ballot, on the second Second-day, called Monday, in the month called January.

ARTICLE II.—The President, and in his absence one of the Vice-Presidents, shall preside in all meetings, and shall subscribe all public acts of the Society. The President, or in his absence either of the Vice-Presidents, shall moreover have the power of calling a special meeting of the Society whenever he shall judge proper. A special meeting shall likewise be called at any time when six members of the Society shall concur in requesting it.

ARTICLE III.—The Secretaries shall keep fair records of the pro-
(See 3d page of Charter.)



OCTOBER, 1849.

VOL. IV.—NO. IV.

ART. I.—SOME CONSIDERATIONS ON THE PENITENTIARY
SYSTEM.—By DR. FRANCIS DEVAY.*

SOCIETY, which is under obligations to provide corporeal nourishment for those whom it sees suffering from hunger, and to cure physical ills, ought, likewise, to assume the cure of moral ills. As there exist social institutions, in which health of body is restored to those who have lost it, so there ought, with equal propriety, to be found in the world, institutions in which those guilty of great crimes, hardened criminals, henceforth protected from the contagion of crime, might be restored to health of mind and calmness of good sense. This is the penitentiary system. A penitentiary ought, unquestionably, to represent, in the moral order of things, an idea corresponding with that which, in general, we attach to a hospital. Every good penitentiary system, founded on the rigorous application of the mobile principles of human nature ought to look to a combination of particular measures closely united with one another, in order to solve the beautiful problem,—the restoration of the perverse man to his natural sentiments and humane interests. These measures consist—

* We have translated these considerations from a work by Dr. Devay, entitled "*Hygiene des Familles, ou Du Perfectionnement Physique et Moral de l'Homme.*" 2 vols: Paris, 1845.—They will commend themselves to all impartial readers. —While they show the preference to which the separate system is entitled, they do not conceal evils incident to it, nor the means for preventing them.—*Ed. Jour Pris. Discip.*

1. In withdrawing him from the influence of the modifications in the midst of which he has lived, before and during the performance of his criminal deeds.

2. In withdrawing him, also, during the period of his detention, from all corrupting influences.

3. In making his physical treatment harmonize with physiological laws.

4. Finally, in his moral treatment being in conformity with the laws which govern his psychological nature.

Too long was it believed that harshness and brutality were indispensable, in order to tame those ferocious natures, moulded in crime and debauchery; too long was it believed that the dungeon could not be too dark, the bread too black, the treatment too harsh for these men endowed with such evil energy. What was expected to be gained by this law of retaliation? They could only hope, at the most, for a pause in the war of extermination which criminals have declared against their fellow men and the social state; but at the same time the feeble notions of justice which show themselves even in the mind of the most ignoble and degraded, were destroyed beyond recovery. How important is it to watch the feeble glimmer of this divine spark, in order to light the dark conscience of the guilty.

Corporeal chastisements, besides their immediate effects on the body itself—effects of which we shall speak hereafter, have for result the extinguishment in the man on whom they are inflicted, of the sentiment of his own dignity, since he sees it compromised before those who have the sad courage to make themselves the executors of those inflictions. In order to enforce these chastisements in prisons, much must be left to the arbitrary will of often unjust and inhuman keepers; and arbitrariness is the curse of prisons.* Justice ought to prevail in all its forms, united to severity, but without cruelty.

There are two important things to be considered in relation to the convict, and these two things make up, in a measure,

* One of the inspector-generals of the prisons of the kingdom, M. de Laville de Mirmont, thus speaks of the effect of arbitrariness on the mind of criminals. "They submit willingly to all that seems to them to be merely severe; but that which appears to them to be unjust irritates and excites their indignation."—(*Observations on the Central Houses of Detention.*—Report to the Minister of Justice, p. 56.)

the reality of his existence. First, we should recognize in him the individual who has compromised, by his acts, the interests of another, and who is liable, in consequence, to seclusion; and then, the being susceptible of a return to goodness and duty, under the guidance of a far-seeing and devoted guardianship. This last point of view, well appreciated in our day, is the capital element of the penitentiary system, the pledge of the hopes of society, which has been singularly misled when it listened only to the voice of vengeance in its conduct towards criminals, in place of the united teachings of religion, science and philosophy.

When society is once secured against the attempts of criminals, by their confinement, these persons ought to be severed at once, in the penitentiary, from all the habits and modifying causes by which their lives were kept in the excitement of debauch and of evil propensities. In the next place, as in their violent and impetuous career they have not had the leisure to commune with themselves and to discourse with their conscience, the penitentiary ought to offer them a retreat, though a severe one, in which tranquillity and silence will allow them, in quitting these scenes of long agitation, to meditate on their past life, and to deplore its errors. The system of individual isolation, following confinement, presents these two precious advantages: the one resulting from *non-contamination*; the other placing the individual himself in the most favourable circumstances to work out his own reform.

Whatever may be said of late, the system of separation is the most efficacious to enable a human being to advance with great strides towards his moral perfection. Multiplied excitement of the senses prevents the performance of all kinds of duty. We can affirm, that, independently of the contagion of crime, from which they are protected, these solitary men, given up entirely to their conscience, soon turn their thoughts on themselves, and by the aid of reflection and a proper appreciation of their past conduct, become elevated above all that was most vile in their nature. One may introduce here a practical fact, of which the author has frequently been a witness. He has remarked, that most of the individuals affected with cataract, whom he has had occasion to see in large numbers, evince a

marked tendency towards good sentiments—those of benevolence and religion. So far from souring them, this absolute privation of light, renders them, in some measure, more affectionate; they all, in their speech, gestures and habits evince amicable feelings; they grasp with tenderness the hands of those who attend on them, and are full of patience and resignation. When they think they are alone, they give themselves up to prayer unceasingly. These facts, which are part of the common rule, when well interpreted, bring out, in all its truth, this law of our nature, by which the higher sentiments acquire increased activity in proportion as we detach ourselves from all that is sensual and transitory in our organism. The most immoral and degraded being at this time, has, still, infinite chances of moralization, when we know how to get possession of his nature, to make him forget his particular interests, and to place him beyond the reach of whatever can divert him from his moral improvement.

The penitentiary system originated, and is found in the United States, in two distinct forms:—the one rests on *silence*; the other on individual and separate confinement. The first originated at Auburn, and the second in the State of Pennsylvania. The Auburn system, which consists in the prisoners working together, during the day, under the obligation of silence, and of separation at night, is the most imperfect: it falls, in a measure, into the evils of the old system of repression, by the severe penalties which the convicts are made to suffer in order to maintain the law of silence.* It is, in a great measure, nugatory, owing to the opportunities which it gives to the convicts of communication by means of signs; and, to all appearances, it will soon be abandoned. As a trial, as the first result in a new career, this system will serve much to aid us in future experiments. It exhibits the picture of a penitentiary system in an inflexible shape; but when we have to do with the education of mankind, nothing ought to be forced, nothing in extremes; in all there should be pre-

* In Scotland, [England,] where, at Coldbath fields prison, the Auburn system has been adopted, the chastisements inflicted on account of talking and swearing, amounted to 5138. The proportion increases every year.—(*Rapport sur les Penitenciers des États-Unis*: par M. M. A. Blouet, Paris, 1838, in folio, p. 42.

served a just medium. The Auburn system must perish, because it chafes human nature, by condemning it to the inaction of one of the most imperious instincts; that which enables man to hold intercourse with man through the medium of speech. Besides, in this it neglects a powerful aid; for, let us not forget, that while, at the same time, it is so important to destroy, among convicts, all traces of their former relations with the world, it is also necessary to create, in a measure, around them, a new atmosphere, a new world of pure and honourable connections, whose counsels and good words may make them forget entirely the fetid quarters in which they had been buried. The words of official visitors, chaplains and heads of the establishment, will have the more weight, as being the only ones which can reach their ears, the only ones to which they can give a response. It would be very difficult for a being thus situated not to let avowals, presages of a salutary repentance, escape him.

The Philadelphia [Pennsylvania] system consists in the individual and permanent seclusion of the convict, without his moving beyond the limits of his cell. It presents the most wise and the most rational form, and is, at the same time, the most fruitful in practical results. But, without speaking of all the modifications of this system, that the future may bring about, which is far from furnishing the ideal of the application of penitentiary theories, we cannot fail, as physiologists, to perceive in it an enormous evil, which, if not promptly removed, will endanger the whole.

By inhibiting the convict from any movement outside of his cell, this system tramples on the requirements of man's corporeal nature, as that of Auburn represses certain valuable tendencies of his moral nature.

In every penitentiary establishment the treatment of the malefactors includes an effort to destroy in them the inspirations of the genius of evil. It is proposed to restore them to society, and to their duties, after having made them undergo a complete metamorphosis. But if we do not take into account their physiological wants; if inanition and the privation of air have enfeebled them, so far from rendering society a service, we only add to the weight of its charge. Would there not be

something intensely cruel in our witnessing a kind of transfer from the penitentiary to the hospital? We cannot work on human nature after the fashion of those trainers who make themselves masters of a fiery horse by weakening him.

We must always distinguish those original wants, which flow from our organization, from those factitious wants which are created by a course of immorality: while we respect the former, we can show no compassion for the latter. To combine with the principle of isolation, hygienic measures, such as are organized in bridewells, would (as recommended by some distinguished publicists) complete this great work of humanity. M. Fregier* proposes means quite simple, and perfectly compatible with individual seclusion. It is the periodical removal of the convicts; that is to say, to require the superintendents to remove them from their cells, in order to allow of their enjoying a walk in a spacious court, or in an airy space of sufficient extent. The graduated exercise, adopted in this way, says this wise philanthropist, as a principle in favor of the convict, and authority given to the proper administrative body to suspend this exercise in certain cases, to be specified by law, would conciliate, it seems to me, all interests—those of humanity at the same time with those of offended society.

The sanitary consequences resulting from such a boon would contribute much to dissipate the prejudices, often unjust ones, which many persons entertain against the system of separation. They ground their objections on the occurrence of the shameful vice of onanism, which seems to multiply its ravages in penitentiary establishments.† This is, undoubtedly, a weighty difficulty; but we believe that, in proportion as the prisoners are allowed more freedom of exercise, which strengthens their general health, will be the tendency of this vice to disappear from among them. We are thus sanguine, because we have present in our mind that very important law in physiology, and which it is well to advert to on the pre-

* In his work "*Les Classes Dangereuses de la Société.*"

† On this point, see the number of the 31st December, 1839 of the *Gazette Medicale de Paris.*

sent occasion; viz., the faculties of human nature have a common fund of power, so that one cannot be very active except at the expense of the other. The genital sense is excited in a much more terrible manner than usual when man remains for a long time in solitude and inactivity. It would seem as if what is not exhausted in innervation, or irradiation of nervous power on the muscular system, were accumulated in the genital apparatus, and excited this latter to an extreme degree.

The moral and intelligent man may overcome this organic impulsion, in part by the power of his will, which is firmer and more enlightened; and in part by the cultivation of his intellect, which is a source of salutary variety. In the class of convicts, on the contrary, every thing powerfully contributes to the extreme excitement of the genital sense, and to aggravate in them the effects of onanism. Nearly all of them have greatly abused venereal enjoyments, before entering a prison: all of them have been deprived of those aids which foster intelligence and the love of meditation. It is not surprising, therefore, that, debarred from all kinds of legitimate stimulants, they throw themselves into the infuriate indulgence of this ignoble pleasure, to which inactivity imparts so many attractions. Adult prisoners, addicted to masturbation, come within the same category as those inactive and taciturn children who are so often degraded by onanism. It is not, generally, among children of the most indigent class, who give themselves up temporarily to sports that require varied movements and efforts, that we meet with the victims of onanism. But it is among those whose senses and minds are surcharged with an excitability which their sedentary life offers this means of exhausting.* Other circumstances being the same, the labouring adult is less addicted to venereal pleasures than the idle man. Helvetius attributes the lascivious tastes of the Asiatics to their idleness, and the indifference of the Canadians, [Indians of Canada,] on the score of love, to the fatigues of the chase and of fishing.

So far as we have yet gone, the completion of the cellular system must be deduced from a knowledge of the laws of phy-

* *Derlundes on Onanism De l'Homme.*

siology and of hygiene, the latter of which is the application of the former. Nor ought these innovations to furnish, by any means, a text for declamation to those who are afraid that the wicked will be treated with too much mildness. The question is not, what enjoyments they are to pursue, and how their life in prison is to be made agreeable. It is, rather, first to punish them; then, during the period of their imprisonment, to make them useful to themselves, and, afterwards, to the world. The great point is to treat them according to their true nature, as men, by exercising their moral faculties and their organs of relation—brain, senses and locomotive apparatus.

The action of the external senses contributes powerfully towards the support of the vital powers, by the salutary excitement which their exercise imparts to the central organ, that of thought. This excitement of the brain is reflected, and naturally repeated on all the other organs, which thus acquire a fresh degree of tone and increase of strength. The external senses, independently of the functions peculiar to them, enjoy, then, as a secondary attribute, the advantage of contributing to the support of the vital powers. It is, therefore, proper that we should pay attention to their functions, even in convicts. And, besides, penal hygiene, while strengthening the health of the prisoner, will be a powerful aid to the means taken for their moral culture. The mind and heart are not well disposed when the health is affected. So soon as the evils which prisoners endure appear to them to be the results of privations, to which they are subjected, the penitentiary system, in their eyes, ceases to be an engine of moral reform; it is regarded by them as a long series of tortures, to which society, in a spirit of revenge, condemns them.*

We have pointed out, in another place, the error and the danger of confounding criminals with the insane; yet, we ought not to reject all analogies, when they are of an encouraging kind, and especially when they are practical. Now we begin to see that, among the insane, the intellect and the passions cannot be brought back to their natural type without the

* Consult, on this subject, the memoir of Dr. Coindet, on the penitentiary of Geneva.—(*Ann. d'Hyg. Pub. et de Med. Leg.* 1838.)

aid of moral treatment ; and that this mode of treatment, which consists in the rational employment of means, acting directly on the intellect and the feelings of the insane, is the only one which exerts a direct influence over the symptoms of insanity.* It is by means of an emotion or passion, newly awakened, that we succeed in breaking up the delirious ravings of the maniac ; and, with the aid of a firm and sustained will, that we succeed in curing the hallucination.

Would it not be possible for us to turn some of these views to account, for obtaining an amendment of the convict in the penitentiary ? Would it not be useful to discover in his soul the germ, not yet destroyed, of pure and honest emotions, to cause it to germinate in a fitting manner, and to bring back his conscience to the correct standard ? This question will probably be solved in time. We ought to add, before concluding these observations, that the penitentiary system is, and for a long time will be, in a state of infancy. If it is earnestly desired to make it a salutary instrument of social education, we must interrogate hygiene for the purpose. It is hygiene that can indicate the most fitting spots for the erection of penitentiaries, the kind of food to be given, what kinds of exercise ought to be taken by the prisoners.—All these are grave questions.

The views of prison discipline, and especially of prison hygiene, advanced by Dr. Devay, coming, as they do, from an intelligent and learned physician, who has no doctrinal or partisan bias on the general subject, merit a careful study.

Dr. Devay, it will be seen, expresses his decided preference for the separate system of imprisonment for crime ; but this preference is not unconditional. He indicates some of the dangers to which prolonged seclusion, with separation exposes the convict ; and, at the same time, suggests a remedy. He does not believe that the system is perfect, nor, on the other hand, is he afraid that a recommendation of modifications and salutary changes imply a want of faith in its great principles, and in their ultimate success, when applied with the wisdom which ought to guide the parties entrusted with carrying them into practical operation. Let us, here at home, imitate the French author, and, just in proportion to the depth of

* See the work of Dr. Leret.—(*Le Traitement Moral de la Folie*, 1840.)
VOL. IV.—19

our convictions in favor of the separate system, manifest our exceeding desire for its success and extension by a sensitive watchfulness over the minutest details of its workings, and by our prompt interference in any misapplication or abuse.

Our knowledge in matters of prison discipline, like that of numerous other subjects, both of moral and material interests, must be progressive. If time works decay, it also brings with it the means of renovation and improvement. In nothing are these remarks more evident than in public hygiene, of the range and bearings of which, until lately, even men of reputed science and acknowledged learning had but a very imperfect acquaintance, and the community, in general, was deplorably ignorant. The laws of bodily and mental exercise, and the mutual relation of one to the other, the vital importance of ventilation, and of ventilation with suitable warmth and dryness of the air, and of a proper dietary, have not yet been appreciated, so far as to lead to the best regimen in any institution, either educational or penal.

In the government of our penitentiaries, a more accurate knowledge, a nicer discrimination is required than in any other institution, for the reason that some of the main conditions for health cannot, from the very nature of the case, be carried out. When men are deprived of the opportunity of free exercise in the open air, and of social intercourse, and the customary means of enlivening the mind, and calling its different faculties into play; it becomes the more necessary to determine the substitutes that must be granted to them for the privations to which they are subjected. These substitutes are not indulgences; they are rights, for which every human being, however degraded, however criminal he may be, has a claim on society, when society assumes the control of his actions, and deprives him of his personal liberty.

Dr. Devay, in his "Considerations," when speaking of the entire inaction to which the criminal in his cell is doomed, would seem not to be aware that in the Eastern Penitentiary, and other prisons on the same plan, so far as we know, this unfortunate being has the privilege of working at a trade, and that he can pass from his cell into a yard, enclosed, indeed, with walls, but allowing him to see the blue sky and the sunshine, and imbibe something of the genial influence which both can never fail to impart. The prisoners in the second tier or story, have not this advantage; but, for compensation, they have two cells, one for working, and another for rest and sleep.

The question still comes up, however: Do prisoners, in a penitentiary, on the separate system, take exercise enough for their health? Are their cells uniformly dry and well ventilated? Is their food adequate to impart the requisite nourishment to their frames? If the reply be in the negative, to any of these questions, then is there a faulty working of the system, and need of reform.

So, also, it may be asked: Whether the several faculties of the mind—its sentiments and its intellect—are successively appealed to, or advocated,

after any method adapted to prevent that horrible stagnation of thought and apathy of feeling, to which long inaction of the faculties must give rise, and which, if allowed to continue for any length of time, must end in insanity.

In order to prevent this terrible catastrophe, something more is necessary than leaving a book or a tract in the prisoner's cell, or doling out to him a few words of common sense consolation, or spiritual advice, at, it may be, long intervals—to him how long! Conversation, and regulated intercourse with the benevolent and the intelligent, are necessary to keep his mental faculties from rust and decay, just as some out-door exercise, a rapid walk, or run round an open ground of some extent, if not brief gymnastic exercises, is necessary to preserve his bodily powers from debility and disease.

Are there any deficiencies on these points in our present discipline, according to the separate system? If there be such, he is a true friend who points them out, as, on the other hand, he who denies their existence, in spite of proof, and refuses to amend and rectify them, must be considered an enemy, whatever may be his professions to the contrary.



ART. II.—CLASSIFICATION AND SEPARATION COMPARED.

Under this head we give a place to some statements and reflections in the *Edinburgh Review*, for July, 1849. The article itself has for its running title, "*Transportation as it now is.*" The main topic is not one in which our readers have an immediate interest; and therefore we do not deem it necessary to introduce it to their notice.

The reviewer draws the distinction, too often overlooked both in Great Britain and the United States, between separate and solitary confinement. He explains the reason of the tenacity with which so many still adhere to the faulty system of classification, which, though plausible when first presented, cannot bear the test of experience. The several objections to the separate system are well met, and their nullity shown by the reviewer.

To one position, laid down with some emphasis—the limited period to which separate confinement should be carried—we do not look for the assent of our friends on this side of the water. It must be remembered, that, in England, full trials have not yet been made of separate imprisonment for long periods; and that the time now assigned as an average is only

part of the entire punishment of the convict. Still, the vast importance of the subject must dispose us to listen with the greatest interest to all the arguments and facts that may be brought to bear on its elucidation.

The plan which the present government have finally determined on pursuing towards convicts sentenced to transportation, consists of four distinct parts; in each of which it is intended to combine punishment with reformation. 1st. Separate confinement. 2d. Compulsory labor in England, or within such a moderate distance from home as shall be consistent with exact supervision. 3d. Deportation to a distant colony. 4th. Partial restraint in the colony. These stages comprise every sort of punishment which has ever been included in the idea of transportation; and each is so to be carried into effect, as to embrace every agency which a government can direct towards the amendment of criminals, and to exclude, as far as man can exclude, the operation of corrupting influences.

The Separate and Solitary Systems.—We proceed to notice each of these stages of punishment in their order, beginning with confinement on what is termed the separate system. For the information of our general readers, we may here explain the distinction between the separate and the solitary systems. The prisoner has, in each case, a cell to himself; but the aim of the latter system is to cut him off from all human intercourse, even with his keepers; of the former, merely to prevent him from communicating with his fellow-prisoners. The latter withholds occupation, and, in some instances, even exercise and light; the former seeks to cultivate the mental and bodily faculties, and to counteract, by frequent intercourse with the chaplain, schoolmaster, trades' instructors, and other officers of the prison, the depressing effects of solitude. Hitherto, the master-evil of imprisonment has arisen from the aggregation of criminals. Whenever these unhappy beings are associated together, a moral fermentation seems to take place in the whole mass; vice is engendered with incredible quickness and painful intensity; the leaven of guilt leavens the whole lump; the less depraved are soon deteriorated to the level of the worst, and forms of wickedness before unheard of gradually appear. To a man exposed to this noxious influence amendment is impossible: a convict's own expression was, 'it is no use trying to repent here.' The precepts of religion fall unheeded on the heart; relaxation leads to more audacious guilt, and an increase of severity to hardness and desperation. From the universal perception of this evil, there has proceeded a variety of attempts to remedy it. The solitary system and the silent system have both been tried; but they call for no re-

mark, as they have been abandoned, or are falling fast into disrepute.

The Classification System.—But the classification system, with various modifications, still retains its ground, and is extensively used in England—not so much on account of its fancied efficacy when compared with the separate system, as on account of its presumed cheapness. Accordingly, a number of persons still contend that the principle of classification, if not so perfect as that of separation, is yet sufficiently good for the purpose, and, therefore, for reasons of economy, ought to be adopted. Unfortunately the country has gone to a very great expense in building prisons adapted to this principle. When, about thirty years ago, attention was much directed to the improvement of our gaols, it was believed, and on high authority, that classification would effect every thing that could be desired in the way of reformatory punishment; and persons who had been witnesses of the horrors of the old system were so impressed with the comparative superiority of classification, that they did not anticipate the possibility of any further improvement. Such being the deliberate opinion of those who guided the public mind, the principle of classification was made the basis of the act 4 Geo. 4. c. 46, which was passed in 1823, and under the powers of which a vast number of our modern gaols have been erected. The expenditure has been so enormous, that it is natural there should be an extreme indisposition to review the question. Consequently, classification still continues to be tried in every way and under all conditions, and finds numerous, if not disinterested, advocates. But considerations of economy must not be allowed to mislead us as to facts, nor may we shut our eyes against the truth. We are constrained to believe that classification, however careful and minute, excepting, of course, the mere separation of the sexes, has always been, and must always be, insufficient to meet the evil; and that to hope by classification to remedy the mischiefs springing from aggregation of criminals, is a pure delusion. The practicability of useful classification necessarily depends upon our having some test by which we can ascertain the moral condition of prisoners, and so divide them into classes accordingly. But such a test cannot be found. The sentence is no test, the crime is no test. An untried debtor may be more demoralised and polluted than a convicted murderer, and ten thousand times more injurious to his associates. While these difficulties remain, and until we can, by intuition, ascertain the motives and dispositions of others, classification not only will fail partially, but will fail wholly, to effect the object for which it is resorted to.

The futility of attempts at classification is so universally agreed upon among all competent observers, that we feel we

need not go over the ground, already* carefully traversed by Mr. Field; nor reproduce the testimony of MM. de Beaumont and de Tocqueville, after examining the prison discipline of the United States,—nor the equivalent statement of the Committee of the House of Commons, in 1832—nor that of the Surveyor General of prisons, Colonel Jebb, in his report of 1847. Instead of being surprised at such instances of systematic contamination as Captain O'Brien met with in the gaol at Coventry, in Nottingham town prison, and Boston prison, and which he has exposed in the last Report of the Prison Inspectors, we are satisfied that, so far from being exceptional cases, they must constantly and inevitably occur whenever classification is in use.

The Separate System.—It is really unnecessary, at the present day, to accumulate evidence on the utter inefficacy of classification; while it is indisputable that the separate system can be open to none of these disadvantages. It presents a solution of the great problem of combining concentration with separation. By concentration, the power is obtained of enforcing efficient discipline, of giving industrial teaching, intellectual education, and religious instruction; by separation, the evils of aggregation are entirely avoided, mutual demoralisation is rendered impossible, and the necessary prison regulations may be carried into effect without frequent and irritating punishment—without creating fresh temptations to disobedience, and a new catalogue of offences.

The separate system is not only a better system than classification, in preventing evil, but the punishment is far more severe. Besides the restraint of imprisonment, there is the additional suffering occasioned by solitude, which, to criminals, is peculiarly distasteful. 'The reformatory character of such a gaol (says *Ignotus*) is, to such persons, an object of real terror.' The principle of classification has been so generally surrendered, that the argument has of late been confined to raising objections against the working of the separate system. The first is of a negative kind; it is affirmed that the separate system is not reformatory. This is to misstate the case. It is not contended that any mode of imprisonment is, in itself, reformatory. If a bad man could be converted into a good man

* We would refer those who entertain any doubt on this point, to the second and third chapters of Mr. Field's valuable work. Indeed Mr. Field has collected so many facts and weighty opinions on the various questions connected with imprisonment, and illustrated them so well by his own experience at Reading Gaol, that we can strongly recommend his book to the notice of our readers. In whatever respects we may differ from Captain Maconochie and Mr. Pearson, we beg to assure them also, that we are very thankful to them for the interest they manifest in the solution of these painful problems.

by the simple expedient of shutting him up in a cell by himself, criminal legislation would indeed be an easy task. The utmost that is claimed for the system of separation is, that it is an auxiliary agency, and that it renders reformation possible. It breaks off evil habits and evil associations. It combines labor and moral teaching. It prepares the way for the only direct reformatory agency which it is given to human beings to use towards each other—instruction in religion by good men, worthy to be its representatives, and whose lives are a witness to its truth and power.

It is almost superfluous to argue, that the ground in which the seed of good is to be sown, ought to be, in some degree, prepared for its reception. For this purpose, it is a great advantage that we are able to remove the prisoner from daily temptation and encouragement in evil; that, by solitude, we can sober the mind from the intoxicating excitement of a vicious life; and, by moderate diet, lower the tone of the physical frame, and subdue the violence of the animal appetites. In such a condition, the man becomes susceptible to moral and religious impressions; even real penitence may be felt. It is quite possible that the repentance may be short, and weak against future temptations; but still it is of unspeakable importance. How shall we hope to realise the end, if we despise the beginning? Is the flame to be kindled, if we, by our perverse legislation, systematically quench the smoking flax? Instead of turning back to count the cost of the first step, shall we not rather go on with the good work?

The more positive objections to the system, as practised in the model prison at Pentonville, are the comforts enjoyed, under it, by the prisoners, compared with the privations of the honest labourer; while, somewhat in contradiction to this allegation, its restraints at the same time are denounced, for being so severe as to break down the body and mind, and lead to disease and insanity. It is the less necessary to go at any length into these objections at present, since this part of the case has been effectually disposed of in a recent number (163) of the 'Quarterly Review.' But we must say a word or two for ourselves.

We are shown the picture of the Dorsetshire peasant, ground down by ceaseless labor, with insufficient food, scanty clothing, little fuel, a miserable cottage, and a half-starved family: contrasted with this is the Pentonville prisoner—in a comfortable cell, with plenty of food, abundance of clothing, artificial warmth and ventilation, medical attendance, easy work, and a schoolmaster to teach him. The unanswerable reply to all such objections is the statement of the fact,—and that it is a fact is proved by actual experiment,—that all these aids are absolutely required, to enable the prisoner to bear his

punishment. The point to be ascertained was this:—a man being under confinement in air of a certain temperature, and having to perform a certain amount of work, what is the smallest quantity of food which will support him in health? To decide this question, a series of experiments was undertaken, and five different dietaries were in succession adopted.

Under the first dietary, which was the lowest, no less than 80 per cent. of the prisoners suffered a serious loss of weight and strength. The second dietary was then tried, by which the prisoners received an increased quantity of bread: under its operation the debility and lassitude continued; but the loss of weight was not so great as before, and the per-centage of the prisoners affected by it was reduced to 43. Under the third dietary, the meat was increased, and the bread diminished back to the quantity allowed in the first dietary: the result of this was to increase the strength; but the men again fell off in weight, and continued to do so, until the loss amounted to $12\frac{1}{2}$ lbs. per man on 86 per cent. of the whole number. The fourth dietary, giving an increased allowance of potatoes, was then adopted, and it reduced the per-centage from 86 to 22. And the fifth dietary,—the one now in use,—by the addition of a small quantity of bread, brought the average loss of weight per man to $1\frac{1}{2}$ lb. on 16 per cent.* Further experiments led to the confirmation of this scale as the smallest average quantity of food on which the prisoners could be maintained in health; although they pointed out some curious modifications which might be introduced with reference to the age and stature of the individuals. It is important, also, to remark, that, on an average of 423 prisoners, 37 required extra diet,† even under the fullest allowance of food to which we have alluded.

Now, if it be admitted that a prisoner is sentenced to imprisonment, and not to the loss of health, and that these are the results of actual experiments made under the directions of such eminent men as Brodie and Ferguson,—we do not see what room is left for argument, or for asserting that the prisoner is too well fed. The amount of his physical comforts has been carefully adjusted to his capacity of endurance: if diminished, he is found to droop, and the powers of life to fade away. So far from the food and accommodation of a prisoner being justly an object of envy to the free peasant, the punishment of imprisonment is shown in this respect to be carried to its maximum; and only to stop short of destroying health. The disparity which prevails between the dietaries of different prisons, and which may be estimated by the difference in their cost, proves nothing except local mismanagement. ‘In one

* Fifth Report of the Pentonville Commissioners, p. 13.

† Report of Surveyor-General, 1847, p. 121.

county jail,' (says Mr. Field,) 'it amounts to within a fraction of £8, in another it does not exceed £4.'

The principal ailments which require watching in Pentonville, as well as in all other prisons, are tubercular scrofula and consumption, and mental derangement. It is difficult to draw any comparison, which can be relied on, between the condition of Pentonville prisoners, with regard to mental and bodily health, and that of other prisoners, or of criminals at liberty. So far as the statistical returns go, the results are much in favor of Pentonville; but it should be remembered that the persons confined there, though criminals, were *selected* criminals, and a large proportion of them came from the country. It is remarkable, also, what apparently trivial precautions reduced the ratio of disease. The fine dust remaining in the cells, at night, was supposed to have increased the cases of consumption. After proper precautions had been taken to remove it, the ratio per 1000 of deaths from consumption, fell from 11.47 to 4.36. The deaths in Pentonville, in 1847, were only 14 in 1000. In the Metropolitan District, in the same year, the deaths of males, between the ages of twenty and forty years, were 13.35 in 1000.

That the tendency of *prolonged* separate confinement is to affect the mind cannot be denied; and it is a very important feature in the punishment. Its softening power is irresistible. As wax before the sun, so does the firmest mind yield at last to this terrible solvent. But we cannot admit that this is an evil. To expect that a mind, long abandoned to every bad propensity, fixed into habits and hardened by the ordinary punishments, should be effectually acted upon except by a sharp and searching instrument, seems to us the vainest of all vain hopes. An inveterate disease requires powerful medicines, and resists the gentler. It is something to have at our command a curative process, which tames the wildest and subdues the most stubborn. No doubt the application to the human mind of an agent of such force implies an awful responsibility, and demands the extremest care. It is too valuable to be thrown aside,—and it is too penetrating to be trusted in the hands of men of cruel, or careless, or prejudiced, or unobservant minds. It must be used with discretion and watched with jealousy. Longer trial may be expected to point out more clearly the time at which this species of imprisonment should cease. Present experience seems to show that the majority of prisoners may undergo separate imprisonment for eighteen months without mental injury, although there is a loss of physical power; but that no moral improvement takes place after fifteen months. In so serious a question, the authorities lean to the side of caution; and the general opinion is, that twelve months should not be exceeded except under very ex-

ticular circumstances, and even then that great watchfulness would be necessary. The period will very much depend upon the contrivances that can be devised for meeting exceptional cases, and for diminishing the feeling of solitariness without infringing on the principle of separation. But whatever changes may be made in the details, the experiment itself has now been in operation at Pentonville during a period of six years. And it has demonstrated the practicability, under the separate system, of subjecting prisoners for the space of twelve months to the severest imprisonment which the mind and body can bear, without permanent injury; of enforcing discipline without much punishment; of effectually administering industrial, intellectual, and religious instruction; of stopping the progress of demoralization, and of rendering reformation possible. These are most important advantages, and have not been accomplished by any other system of imprisonment whatsoever.

The question of expense is then the only point on which a claim of superiority can be raised for the system of classification. It is the point to which, we confess, we attach the least importance. We are far from wishing to be the advocates of any useless expense, or to maintain that extravagance is likely to produce efficiency; but, we contend that, after having cut off all unnecessary expenditure, the relative value of the system must depend upon its efficiency, and not upon its cheapness. If the system is at all effectual in preventing crime; or if, by it, we can so operate on the minds of our convicts as to dispose them to support themselves in a distant land, it may justly be pronounced cheap. Nothing is so expensive as crime—nothing so extravagant as a gaol, where prisoners are associated together, be the arrangements ever so economical. Every such prison is a normal school of depravity, where thieves are educated at the public expense to pillage the community.

The gross cost of a prisoner in separate confinement, *exclusive of the value of his earnings*, has varied from £20 to £35 per annum,—the interest of the cost of the construction of the prison being about £6 per cell; in ordinary prisons, the annual cost of a prisoner is from £18 to £20. Comparing the net cost in two well-managed prisons of either kind, it does not appear that there is an annual difference of £5 per man; the only points of difference being the interest on the cost of the prison, and some additional expense for a larger number of chaplains, school-masters, and trades' instructors. Now is it worth while to spend £5 a year for even the chance of reclaiming an offender?—or, in order to save £5 a year, shall we insure the conversion of every novice in crime into a systematic depredator? It is quite certain that, so long as a

man is a thief, he is supported at the public expense, whether he is in or out of prison, whether in England or Van Diemen's land. If we could ascertain what this amounts to, we should have some idea concerning the money value of a good system,—and the real economy of any method which should, at some period of his life, transfer the cost of the criminal from the public to himself. This inquiry can only be answered approximately. The value of the property taken by 500 Pentonville prisoners, as estimated at their trials, was above £10,000,* or an average of £20 per man: and this sum only represents the destruction to property by one felony,—the last, but not therefore the worst, of a series of crimes. The number of convictions for felonies in the metropolitan district, in 1848, was 3137, and the value of the property lost, was £44,666;† in addition to all those robberies, which do *not* come under the notice of the police. How many these may be, it is quite impossible to say; but in forgery, a peculiarly dangerous career of crime, and which is systematically prosecuted by the bank, the proportion of convictions to offences was only 1 in 103.‡ The municipal council in Liverpool, in 1836, estimated the annual loss by crime in that town at £700,000.§ The number of known thieves in the metropolis alone is 6000.|| In England and Wales, the number of persons living wholly, exclusive of those living partially, by depredation, is estimated at 40,000.¶ The prison population varies from 12,000 to 20,000.** The average career of impunity to common thieves is about six years.†† During which time, their daily expenditure appears incredible. A thief gives the following description of what takes place at a lodging-house for trampers:—‘They all lived well, never ate any broken meat, had meat breakfasts, good dinners, hot suppers, and frequently ended by going to bed very drunk; not one spent less than three shillings a day, many a great deal more.‡‡ As they obtain from the receivers of stolen goods only from one-eighth to one-third of the value of the property stolen, we cannot place the loss of the community at less than from ten to twelve shillings a day. In other words, a thief costs the community about £150 a year while at liberty. In prison this may be reduced to from £20 to £30. But, if reformation be not effected, one or other of these charges must continue during the remainder of his life. After allowing for inaccuracies in these calculations, sufficient re-

* Sixth Report of the Pentonville Commissioners, p. 28.

† Criminal Returns, Metropolitan Police, p. 38.

‡ Report of the Constabulary Force Commissioners, 1839, p. 8.

§ *Ib.*, p. 402.

|| *Ib.*, p. 12.

¶ *Ib.*, p. 311.

** *Ib.*, p. 128.

†† Report of the Constabulary Force Commissioners, 1839, p. 12.

‡‡ *Ib.*, p. 44.

mains to prove that, whatever be the cost of the convict during the time that he is under the control of the government, the system which eventually succeeds in making him support himself, is beyond all question the most economical. Reformation is cheap at any price.

The last argument we shall notice, is the one which assumes that the reformation of criminals is not to be expected; and that, therefore, all expenditure for that purpose is only so much money thrown away. Without dwelling on any reasons for persevering in this attempt drawn from considerations of duty, we would treat the question rather as a matter of fact to be ascertained. So long as gaols in England afford only the means of classifying prisoners, and that indifferently, we admit at once that reformation is, generally speaking, hopeless. For the success of some well-known individuals has been due to the singular combination in them of two or three most rare and heavenly qualities; whereas, in legislative schemes, we must adapt our arrangements to the ordinary machinery at our command. The statistics of our gaols show that not above five per cent. of the prisoners have been led to crime by the pressure of poverty alone.* Its origin is to be found in the habit of spending rather than in the difficulty of acquiring. The presence of temptation is more powerful to attract to crime, than the recollection or anticipation of suffering to deter. Notwithstanding which, our practice has been to sentence offenders to be confined for *short* periods in gaols;—from whence they issue, more corrupted than on their entrance, without a shilling to buy food, without a chance of employment, with their characters gone, with no one to turn to but their former companions in guilt, with no other alternative than that of death by starvation or a life of robbery. And then, because they choose life, we call their penitence hypocrisy and their reformation an impossibility!

The evidence of Mr. T. Wright, before the Committee of the House of Lords, on the Criminal Law, is very striking. He had been in the habit, for nine years, of visiting prisoners in Salford House of Correction at Manchester, and of obtaining employment for them on discharge; and he states, from his own experience, that in his '*humble opinion, fourteen out of twenty would never return to prisons if some one took them by the hand, and spoke kindly to them, and found them situations and supply of food for some time.*' In the last two years, provided a man comes out of prison to-morrow morning, if I should happen to be at home, I take care that that man wants nothing. I perhaps may give him 5s., and sometimes I give him even

* Sixth Report of Pentonville Commissioners, 1848, p. 4.

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more than that, to keep him out of running into temptation again.'

Their conduct, in such a prison as all prisons ought to be, may be seen in the following return of the Pentonville prisoners for two years.

| | 1846. | 1847. |
|--|-------|-------|
| Deaths, pardons, medical and special cases, - - - | 12 | 17 |
| Sent to Port Philip with conditional pardons, - - - | 349 | 173 |
| Sent to Milbank, as being only tolerably well conducted, - - - | 17 | 4 |
| Sent to the Hulks and Milbank, as <i>incurrigible</i> , - - - | 8 | 6 |
| Total number removed from Pentonville, - - - | 396 | 200 |

Only 14 men incurrigible out of 586.

Their conduct on board ship may be ascertained from the reports of the surgeon superintendents of the ships in which they have been sent out. It will be recollected that heretofore the association of convicts on board ship had been invariably demoralizing in the highest degree, and their conduct outrageous. Now what has been the case with Pentonville prisoners during the voyage? Up to the end of 1847, eight ships had been sent out with prisoners from Pentonville: and in every one of these eight instances the conduct of the convicts is stated to have been excellent, uniformly well-behaved and orderly.

Their conduct, when landed in Australia, is, however, the great touchstone. At first they were sent to Van Diemen's land, which, at that time, was as bad a place as could have been found. The failure of the probation system was at its climax; and from the falling off in the demand for labor, there was no opening for fresh arrivals. Consequently, some of them, almost unavoidably, relapsed into vicious habits: the remainder were sent on to Port Philip. From the concluding observations in the Report upon those left in Van Diemen's Land, it appears that, 'of the inferior classes of Pentonville prisoners, only 7½ per cent. misconducted themselves in such a manner as to expose them to any penalty whatever; from which it may be reasonably inferred that the offences of the exiles have been less.'—*Report of the Commissioners of Pentonville, 1848, p. 34.*

On the 20th April, 1848, the exact number of men and boys landed at Port Philip, was as follows:—

| | |
|---------------------------|-------------|
| From Pentonville, - - - - | 799 |
| " Milbank, - - - - | 202 |
| " Parkhurst, - - - - | 367 |
| | <hr/> 1368* |

* Mr. Latrobe to Sir C. Fitz-Roy, 20th April, 1848.

Of course, in so large a number, there will have been many temporarily, and some permanently, ill-conducted: but the statement, concerning them, in the Chaplain's Report, taken from the Report of the Pentonville Commissioners, just quoted, is very encouraging. Mr. Charles Cooper, who went out in the *Joseph Somes*, with 248 men, to Port Philip, towards the close of 1847, wrote to the Commissioners of Pentonville, to the same effect, two months after his arrival. We regret that we have not space for the details. The Deputy Assistant Commissary General, writing to Earl Grey from Port Philip, on the 10th May, 1848, urges the propriety of placing, for a time, the new arrivals under more restraint in a country where temptations of every kind surround them; but adds:—'*After watching narrowly the conduct of the men already landed, now amounting to upwards of 1600, I am confident that exiles may be rendered a very safe and very useful people.*' The authorities in Western Australia have received, from time to time, prisoners from Pentonville, and boys from Parkhurst; and have very recently asked for an increased number.

We have treated this question of separate confinement at some length, because, in our judgment, it is the basis of the whole system. Mr. Hill, the Recorder of Birmingham; Mr. Clay, the Chaplain at Preston; and almost all persons who have any practical knowledge on the subject, are as confident as Mr. Field, that it is an indispensable condition to all improvement. The following points, respecting it, appear to us to be established. We have the power of inflicting upon felons the severest known sort of imprisonment, for a period of twelve months, without detriment to mind or body. Along with this, we can subject them to such moral influences, that, at the end of the twelve months, we are able to put a great majority of them in intercourse with each other without mutual injury; and that, even in the trying situation of a convict ship, (a much severer test than being thrown together in regular hard labor on shore,) they will conduct themselves with decency, order, and propriety.

Finally, under these improved conditions, a very large proportion of them are willingly received in our colonies; and, when there, lead an honest, industrious, and useful life, supporting themselves, and contributing to the prosperity of their adopted country.

ART. III.—THE GREAT PRISONS OF LONDON.

NEWGATE.

WHOEVER knows London knows Newgate. Once seen, it cannot be forgotten. Massive, dark, and solemn, it arrests the eye and holds it. A stranger to the capital would pick it out amongst ten thousand buildings. It stands alone. Of all our London prisons, it only wears a truly grand, terrible, and imposing aspect. Other gaols look grim, loathsome and disgusting; but none can vie with it in majesty of horror. Compared with Newgate, they all seem paltry, pasteboard, make-believe affairs; but it looks penal in the sense that hell is penal—a figure of death seen in a gleam of sunshine. No doubt some of this peculiar effect is the consequence of the terrible memories which float about the place, but certainly not all of it. Much of it arises from the character of the building and its environments. The solid and unbroken masses of the granite walls—fit almost to resist artillery—the frowning towers—the iron-mounted doors, that seem as if intended only to open on great occasions, to let men in to judgment, and out again to death, conjure up the thought of a feudal dungeon, or a prison of the Holy Office, rather than that of an English gaol. Its situation, too, is striking—in the very heart of the capital, under the shadow of the dome and cross of the national church—joining the two great arteries of London, and facing the sombre St. Sepulchre's church, strangely, but well, christened! Grave in thy name and in thine office, it is thine to warn the guilty and doomed soul of its approaching trial and transition! The bell of St. Sepulchre's tolls the service for the dead—but *before* the death. In the condemned cell its faintest tones can be heard—that is, when there is silence in the busy world outside the massive walls. When death is denounced against the malefactor, and the day is fixed on which the slayer himself must die, with what unutterable agony each stroke goes deep into his heart! With what an awful fascination he will listen for the sound, which, to him, is like the blast of the archangel's trumpet, which separates time from eternity—and, in that listening, waste the few remaining moments that are left! Upon the morning of the execution, the hours are pealed out loudly and distinctly. From one to six they are awfully audible,—nine he knows he will never hear. Thenceforth swells up, higher and higher, the boom of human voices. They are near him there—with but a stone between—but, oh! how distant! Thicker and faster the crowds are gathered; and louder and fuller the sea of sound mounts up each moment. There is

soon a chaos of yells, and shrieks, and shouts: it rises above all, like a frightful storm. The death-bell tolls—but none can hear it. That last pang is saved to the criminal. The voice of his passionless monitor is stifled before he dies. But drop the curtain down. It is a place of horrors.

The open space, before the doors of Newgate, is the English gladiatorial arena. Here *we*, who sit in severe—and, did it come from a purer tribunal, well-merited—judgment upon the barbarous practices of pagan and imperial Rome, prepare *our* feasts of death for the lovers of disgusting horrors. This is *our* circus. We do not fill it with wild and famished animals, to see them tear each other piecemeal, it is true; but we only give a new direction to the cannibal instincts of our people, and gratify them in a different way. The scenes enacted here disgrace us in the eyes of all Christendom.

But let us enter:

Up the narrow steps, into the turnkey's room, and along a darkish passage, we come into a small open court, surrounded by high walls, between which a scanty supply of air and light finds its way, downwards, as into a well; facing us stands a massive building, chary of windows, and those strongly grated: it is the women's wing of the prison. The matron is called—an intelligent and capable woman—and as soon as the ponderous locks are turned, and the heavy bars removed, we enter the doorway, and ascend the stone staircase; suites of chambers branch off on either side, and these are occupied by the prisoners who are awaiting trial. An attempt is made to classify them according to their degrees of guiltiness; but, practically, this is of little use, as the matron can only judge of the *détenue's* grade from her own statements, or from the offence with which she stands charged. These must often be fallacious. Little or no employment is found for them; and it sometimes unavoidably happens, that the poor servant girl is sent here, falsely accused of some petty theft, and shut up with the most abandoned of her sex, with nothing to do for days, with no resource, no means to kill the time, except in listening to corrupting stories, and the conversation of her degraded companions. If she were not a thief, a profligate, before, she will soon learn to be one here. Surely this is wrong. If there be a necessity, at any time, of endeavouring to prevent contamination in gaol, this necessity must certainly exist, in respect to persons unconvicted of crime, and who may, therefore, be innocent. Before a man is proved to have violated the law, it is illegal, as well as immoral, to *punish* him; so that his *safety* is secured, the law has no further hold upon him. This must, of course, be obtained at any price. But any privation—any wrong inflicted upon him, not absolutely necessary to this end, is a piece of unwarrantable tyranny and cruelty. To force the

possibly innocent man to herd with the lowest felons—to compel the young girl to live and sleep in the same room with the shameless prostitute—can answer none of the ends of justice. The system can produce nothing but evil; and it does, indeed, seem monstrous that a government which has proved itself so anxious to separate *convicts* from each other, for fear of mutual contamination, should suffer, in Newgate, the most notorious criminals to associate, unrestrained, with persons as yet unconvicted! Society can never make reparation to its *innocent* member for its immurement in Newgate. The heart becomes tainted in spite of itself. Felon and lascivious thoughts are forced upon it. Vices undreamt of become familiar to it. The mind must be more than human that could come out of the companionship of Newgate as pure as it entered in.

Pass we now through several rooms and corridors to the quadrangle occupied by the males. As we traverse these passages we note the iron character of the building. It is indeed built as if its architects had but one object in view—strength. And this is certainly obtained, though at the expense of almost every other desirable quality for a prison. It is dark, close, confined; and in despite of the scrupulous cleanliness preserved in every part, foul smells are not unfrequently met in its lobbies, such as recall the Newgate of the time of Howard. The gaol fever—that terrible and destructive disease, which Bacon describes as, next to the plague, the most dreadful of contagions—used to be permanently endemic within its walls. The nature of the building, and the little attention which was paid to cleanliness, were the principal causes of this. In the religious riots of 1780 it was burnt down; but was immediately rebuilt on the same plan. The great fault is the want of room, the height of the walls and the narrowness of the courts giving them the appearance of wells, rather than open spaces. Air and light are in consequence less plentiful than they should be; and the observation of Howard: “All I can say is, that, without more than ordinary care, the prisoners will be in great danger of the gaol fever,” is as applicable now as it was seventy-five years ago.

Formerly the wards of part of this prison were occupied by debtors. This practice has been discontinued, and it has now very few inmates, except such as are awaiting trial or punishment, the exceptions being persons convicted of assaults or offences on the high seas. The average number of prisoners in the year, is about 3000. Just after the termination of the sessions of the Central Criminal Court it is nearly empty, but gradually begins to fill again as the next assize draws nigh; then its inmates usually number about 500. After trial the convicts are sent off to the prisons or penitentiaries to which they are committed—the short terms to the houses of correc-

tion, the transports to Millbank. Those sentenced capitally, are taken to the condemned cells, not to leave them again until the last moment, except for chapel. These cells are built in the old portion of the building, at the back. The narrow port-holes in the dark wall, looking into Newgate street, let light into the galleries into which they open. There are five of them on each of the three floors. The culprit in the farthest cell, on the ground floor, is within a yard of the passers by. All the cells are vaulted, and about nine feet high, nine deep, and six broad. High up in each is a small window, double-grated. The doors are four inches thick. The strong stone wall is lined; and, altogether, they present to the eye of the culprit an overwhelming appearance of strength. In a small ante-room, near the entrance of the prison, is a collection of casts, taken from the heads of the principal malefactors who have been recently executed in front of it—very interesting to the student of phrenological science.

The men's quadrangle is pretty much like the women's, but larger. It consists of two or three yards and the building surrounding them. No separation of the men is made, other than as the law requires; namely, into felons and misdemeanants. This amount of separation is profitless; for, by the theory of crime recognized in the present law, there is no moral distinction between the two classes of offenders: thus, for instance, stealing a penny is an act of felony, uttering a counterfeit sovereign is a misdemeanor. The average of time which prisoners pass in Newgate is about three weeks. During this period, as we have said, they have no work—no instruction—except in criminal acts; and these, having to many the charm of novelty, are only too rapidly acquired. These men must do something during these twenty days; if placed in evil circumstances—though matter of regret, it is not of wonder—they will prefer a vicious excitement to a state of sluggish inactivity. What can be expected from a *régime* which leaves both mind and body to their own resources—both being either predisposed to ill, or utterly indifferent? Here there must be reform. With respect to the boys it is begun. They are made to attend school, where, if they are not taught a great deal of good, they are kept away from much evil. If the advantage be only negative, it is, under the circumstances, very important. If complete separation be at present impossible—and at Newgate it certainly is so—might not this kind of attention and attendance be required from the adults? It is of very little use placing books of common prayer and religious tracts in the wards. They have no interest for restless minds awaiting judgments which may affect their whole after-course and condition of life. Such persons have little taste for the study of orthodox morals and pious romances; and we do not believe

that much good is done by this trial of the voluntary system. Most of the criminals are unequal to the task of self-instruction, even if there were no companions near to jeer them out of the desire to attempt it. They must have their attention compelled.

Some little instruction is afforded by humane and philanthropic visitors at the prison, especially of ladies. Dear Elizabeth Fry used to make the female wards the scene of her pious labors. She found helpers and successors in the work. Lady Pirie is a constant visitor and teacher here now—so is Miss Sturgiss. They read, converse, and pray with their poor sisters. The good their charitable and noble exertions effect heaven only knows, for the end is often far off, and they who sow the seed do not always live to see the fruits. But go on, angels of love and mercy, in your noiseless mission! Fear not for the results; falter not by the way; Providence will not permit such ministries to be discharged in vain.

The chapel, as well befits such a place, is neat and plain. There are galleries for male and female prisoners. Below and in the centre of the floor a chair is placed conspicuously, and marked for the use of the condemned culprit. On this he is required to sit the day before his execution in face of the congregation. We fail to see the wisdom of this practice, and think it ought to be discontinued. Formerly the coffin used also to be brought into chapel, and placed at the criminal's feet during the service! This barbarous horror is no longer enacted. The exposure should follow it. No good can come to the malefactor—none to his criminal audience out of it. The effort to seem easy under the terrors of approaching death serves only to harden him, whilst their gain is limited to the satisfaction of a morbid curiosity.

Leaving the chapel we repress the yards, one of which is notable as the scene of a very curious escape; that of the "sweep." The walls are of the same height as the lofty houses in Newgate street, and present a bar to escape which would daunt the most inveterate prison-breaker. But the sweep surmounted them. Placing his back in the angle of the wall, he worked himself up by his hands and feet, pressing them against the rough masonry, until he reached the giddy height. He then crept along the top of the walls to the houses, got on the roofs, entered at a balcony, almost frightening a woman to death, and made his way into the streets, where, as the Newgate prisoners wear no regular costume, he passed unnoticed. He was, however, captured soon after, as almost invariably happens with escaped criminals. Now the wall is smoothed and spiked there can be no more escapes in that way.

No. IV.—OHIO LUNATIC ASYLUM.

Report of the Directors and Superintendents for the year 1848.

We always turn to the reports of our Lunatic Asylums with pleasure—sure, as we are, to meet with a record of much good done, and useful suggestions for further improvement. In these particulars, the Ohio Asylum will compare favourably with kindred institutions in the United States.

On the important subject of *drainage* and *sewerage*, the directors impart the following information:—

The undersigned find it necessary to call your attention to the subject of a drain from the buildings. The establishment is now so large that this matter has become one of much importance to the health and comfort of the inmates, and to the comfort of the neighborhood. Frequent complaints are made by those occupying contiguous property, of the existing arrangements. The matter is also of great importance as a sanitary measure, with a view to the possible approach of a dreadful epidemic, which is said again to have found its way to our shores.

After having had a survey made by a competent engineer, and devoted much thought to the subject, the undersigned have come to the conclusion that the best practicable measure will be to make an underground drain, of brick, in the direction of the Scioto river, of sufficient capacity to carry off every thing proper to be drained from the buildings, and to make it of such length that the drainage passing from it will reach the river without being seriously offensive on the way.

To accomplish this object, it is estimated by the engineer who made the survey, that an expenditure of about one thousand and seven hundred dollars will be necessary. An appropriation of that sum is therefore respectfully asked.

Pay of Patients.—The amount necessary to support the institution during the present year, is estimated at thirty thousand dollars. It is expected that five thousand will be received from pay patients: an appropriation of twenty-five thousand dollars for this purpose will, therefore, be necessary.

The undersigned beg leave to call the attention of your honorable body to the suggestion contained in their last annual report, that the distinction of pay and pauper patients be abolished, and that all who are received into the institution, like the pupils in our common schools, be placed upon a footing of equality. It is deemed unnecessary to repeat or add any thing

to the views, upon this subject, contained in the report referred to.

Further reflection has served to confirm the confidence then entertained, in the soundness of the views expressed, and in the belief that the public mind would approve the measure.

The Report of the Superintendent, Dr. William W. Awl, is full and satisfactory. We give a few extracts:—

Patients Admitted and Discharged in 1848.—In the course of the past year, 163 patients have been admitted into the Asylum, viz, 91 males and 72 females; of these, 59 males and 48 females had been insane (as near as could be ascertained) for a less period than twelve months; and 56—that is, 32 males and 24 females, had been the subjects of mental disease for more than one year; 99 were received at the expense of the State, and 64 were supported by their friends. This is a less number than was admitted the previous year; but we then had a new building, and nearly all were accommodated for whom application was made.

At the date of last report there were 329 patients under the protection and remedial treatment of the institution, viz., 167 males and 162 females; of whom 270 were chronic, and 59 recent cases, of mental derangement. Add to these the number admitted, and it shows the whole number under care during the past year, to wit: 258 males and 234 females. A large and remarkable family to see to and manage mentally and physically; but we rejoice that no accident has occurred—none have suffered from fire or frost, and all have been amply provided with the necessary comforts of life.

During the same period, viz., in the past year, 155; 81 males and 74 females, have been discharged. Of these, 93 were happily restored to the right use of reason and the endearments of life; 9 were discharged or removed as improved, and 34 have died. The residue were dismissed by the directors as harmless and incurable, in order to make room for the trial of others, or removed from the asylum by relatives or guardians.

Recoveries.—There have been more recoveries in the past twelve months than we have heretofore reported in any single year—the number is also greater in proportion to admissions.

Restraints.—Some, we find, are under the impression that the hair is cut short in all cases, immediately after admission, and deep concern is occasionally felt on this account, especially in regard to females. This is not done unless it is found to be necessary for the safety or comfort of the patients, and, if possible, the desire of friends is always observed when made known.

Neither do we shave the head, or use the strait-jacket, in the treatment of our patients; in fact, we never owned this famous garment, nor had one in possession. Parental kindness and respectful attention are our governing principles, and a prevailing maxim with us is to avoid every thing that might produce a feeling of degradation, as far as possible.

On the *recent cases*, discharged in the course of the year, the per cent. of recoveries is 90.36. In *old cases*—that is, when the mental disorder has existed for more than a year—the percentage of recoveries is but 25, on the number discharged.

The per cent. of deaths, as calculated on the average number of inmates, is 10.08 for the year.

Recurrent Cases.—Recurrent attacks of insanity are, perhaps, not more common than from other severe acute disorders. Indeed, it is a matter of surprise, that they occur so seldom as they do, when we reflect that those who have been restored usually return to the places and circumstances in which their disease originated.

Many of our former patients have visited the asylum months and years after recovery, and we rarely meet with one who does not greet us with a smiling countenance and a heart overflowing with grateful feelings and good will. At the very time we are engaged in writing this page, a stout and sprightly young farmer is just leaving the office, who some months since was admitted as a maniac from a neighbouring county, in a high degree wild and excited. He has been making us his first visit after returning home, and we feel certain that his appearance and deportment would gladden every kind heart in the land, if all could behold him.



ART. V.—THE PHYSICAL AND MORAL HYGIENE OF PRISONS.*

It would illy comport with our duty, as journalists, were we to look only at one side of a still debated question, and accumulate arguments and facts in its favor, to the entire exclusion of the difficulties and objections adduced on the opposite side. We have our predilections, based on what seems to us sufficient reasons; but these do not amount to an idolatrous regard

* *Hygiène Physique et Moral des Prisons; ou de l'Influence que les Systemes Penitentiaires Exercent sur le Physique et le Moral des Prisonniers et des Modifications qu'il y aurait à apporter au Regime Actuel de nos Prisons.*—*Par Aug. Bonnet, D. M. P., &c. &c.* Paris, 1847: pp. 162, 8vo.

which would prevent us from seeing the slightest imperfection in our favorite system, or would lead us to denounce all who differ from us, as ignorant schismatics, if not pestilent heretics.

The recent reformer cannot, with a very good grace, set himself up for a rigid conservative, and deny to others the right of inquiry of which he himself made such free use, or the possibility of new results being reached, in advance of those to which he has just attained.

We make these observations as part of our editorial creed, and to correct any misconception into which some of our readers might be led by our occasionally spreading before them, in the pages of this Journal, views and statements adverse, and at times decidedly hostile to the separate system of prison discipline. Truth can only be reached by a thorough sifting of the evidence and an analysis of the arguments of both sides of disputed questions; but, if we refuse to give intelligent and honorable opponents an opportunity of being heard, how can we, how can our readers and the public generally, ascertain the real merits of the case? Nor can we be said to do our opponents justice if, at every step of their arguments, we interrupt them by contradictions, or by protesting against this ethical proposition as unsound, or that fact as illogically applied?

On the other hand, it would be a strange perversion of our own intentions and feelings if we were to be thought to advocate what, in a spirit of common courtesy, we feel ourselves bound to read or to listen to, and communicate in the Journal for the information of our readers.

The initial article of our present number conveyed the sentiments of an able French writer, in favor of the separate system, as a former number did of those of another author of the same nation. On the present occasion we propose to give a rapid outline of a small volume now before us, written in a different and opposite strain, under a title which stands at the head of this article. The author, M. Bonnet, is a professor in the medical school at Bordeaux, in which city a penitentiary has been built, and its internal economy carried out according to the separate system.

192 THE PHYSICAL AND MORAL HYGIENE OF PRISONS.

M. Bonnet begins his volume by an investigation of the influence of the Pennsylvania System on the health of prisoners. Until of late years, the merits of the separate system were, he tells us, made to rest on the statistics coming from the United States; but now we have abundant details of the cellular system from England, Switzerland and France. On these data the author thinks himself authorized to declare that the bill for prison legislation, then before the Chamber of Deputies, fell short of the requirements of a thorough penitentiary reform.—

The difficulty, in fact, is not to procure an isolation of the convicts, and to prevent them from communicating with each other, but to find out the means which, while debarring promiscuous intercourse, should, at the same time, not exert a deleterious effect on their health, and still would contribute, in an effectual manner, to make them better.

Now, these results have not been obtained; for, besides that this penitentiary system, without exception, exerts a baneful influence on both the mind and the body of the prisoners, no one has attained the promised end of improving their moral nature.

Then follows a brief notice of the three systems, viz., solitary confinement, the Auburn system, and the Pennsylvania system. Respecting this last, as carried out at Bordeaux, M Bonnet thus discourses:

At Cherry-Hill, where the cells on the ground-floor each open into a court or yard, and in which those of the second story are either larger or double, the convicts can exercise the trades of joiner, cabinet-maker, lock-smith, &c.; but, in the penitentiary of Bordeaux, there is only room for spinning, knitting, weaving, shoe-making and tailoring, &c. These employments in common-life always, in the end, injure the health when followed regularly, day in and day out, and especially in low, damp, and badly ventilated rooms. Still more must this be the case in those establishments in which the prisoners, having no perspective beyond the four walls which bound their cells, and tormented by remorse, and ennui, and the impossibility of escaping from a long detention, are naturally prone to sadness and discouragement. We are told, that solitude stimulates the intellect in a remarkable manner, and allows it to acquire an activity and a development which could hardly have been anticipated. We sometimes see this in cases of voluntary solitude, and in healthy situations; but in those of compulsory isolation, never. We wait, at any rate, for examples to this effect.

The author, in continuation, tells us that, as men are not born tailors nor shoemakers, nor spinners, the prisoners who have not previously acquired these trades, must receive instruction; but this will cost money and time—months, perhaps years.—

The result will be the same in the case of the French penitentiaries as in the one at Cherry-Hill, in which the inmates who have no trade or

handicraft employment are obliged to find occupation for themselves, without the aid of any other person.

The difficulties in this respect in the Bordeaux penitentiary, as manifested in official reports, are pointed out by M. Bonnet.

He then proceeds to the scrutiny of another part of the subject, with the following introductory remarks:

If the handicraft employments are a very precarious means of neutralizing the hurtful influence which isolation produces on the economy, the intercourse of the prisoners with their supervisors is quite as illusory.

The projected law will in vain direct that the physician and the instructor, shall each of them, visit, once a week, each prisoner. This will be physically impossible, as will be now shown.

The penitentiaries are to contain, each, five hundred prisoners. The least that can be done, when visiting these latter, will be to give each of them five minutes. Now, five minutes, multiplied by five hundred, make two thousand five hundred minutes, which are equal to forty-one hours forty minutes. But it may be alleged that the proposed law does not require that the prisoners shall all be visited on the same day; it simply means that each of them shall receive, once a week, the visits of the physician and instructor. Even on this supposition, there would still be a physical impossibility; for, in order that the officers now referred to could see each of the five hundred prisoners, in the course of the week, it would be necessary for them to visit a certain number daily, and this number could not be less than eighty-three or eighty-four. But eighty-four multiplied by five minutes, make four hundred and twenty minutes, which are equal to seven hours. These visits, consequently, would take up fourteen hours of the day, and if the chaplain should, also, visit and confer with his charge, it would follow that out of twenty-four hours, there would be twenty-one regularly given to this single requirement. It may be objected, it is true, that, if these officers were each to visit at the same time, a certain number of prisoners, only seven hours would be taken up in the performance of their work; but even here, if the thing be possible, it is not feasible; for we can hardly expect to find a physician, an instructor or a chaplain who could spare seven hours a day to the inmates of a penitentiary.

Even were we to admit, that the chief officers of the prison were free to dispose of every hour of the day, it would still be impossible for them to visit every prisoner once a week; and how little probability of their doing so, if, as the proposed law enjoins, there be only two hours in the day set apart, not only for their visits, but also for those of benevolent persons and societies and relations; including within this period, school and moral and religious instruction, religious exercises, reading and walks. And besides, what effect can be expected from a conversation of four or five minutes once a day? Who will believe that a few commonplace remarks, made at random, will suffice to console and better a criminal?

The labor of the prisoners and their intercourse with those placed over them, are far, it is seen, from diminishing the hardships with which absolute separation has been reproached, and which caused it to be rejected at the outset; they render it somewhat less dangerous, and that is all.

M. Bonnet criticises the earlier reports of the Eastern Penitentiary for their representing the confinement of prisoners in it as favorable to their health: they

solitude with ease if not without some duress. The mortality was represented to be only $2\frac{1}{2}$ per cent.: the cases of insanity to be very few, and induced by causes having no connection with separate confinement; and so little did cellular seclusion affect the health that they who were in the best condition were among those who had been the longest in prison.

Contradictions are imputed to Dr. Franklin Bache, the physician of the prison at the time, which argue a misapprehension of the statements of this gentleman by the author, and which, therefore, we do not repeat. Their purport is to show that the inmates of the prison furnished a disproportionate number of cases of insanity, and were greatly afflicted with scrofula, dysentery, pulmonary affections, complicated, for the most part, with derangement of the stomach and bowels.

M. Bonnet deprecates the extreme views of many well-meaning and intelligent men who, in their horror of the evils of promiscuous intercourse among prisoners, overlook the sinister influence of isolation on the physical and moral nature of these persons.

Experience has long since shown that individuals confined to dark dungeons, or to damp, badly ventilated and imperfectly lighted spots, become uniformly pale, feeble and languishing: they are bleached as plants are when deprived of the vivifying action of the solar rays. Just in proportion as the detention of the persons thus situated is prolonged, the decolouration of the skin is increased and glandular engorgements display themselves, and the most robust subjects become eventually affected with scrofula, tubercles, scurvy, diarrhœa, dropsy, &c.

The author attempts a critical analysis of some of the official statements of the results of the system of separate confinement, as it was carried out at Cherry-Hill. Finding, as he believes, notable contradictions in these, he dismisses them in a summary manner by bluntly declaring that they are all unworthy of confidence. He thinks that the pictures drawn by Mr. Dickens, from materials procured during his brief visit to the Eastern Penitentiary, furnish a true exhibition of the real state of things there!

As respects the mortality.—He first cites the allegation, in some of the reports, that the mean number of deaths in the prison was only 2.28 in 100. On referring to the *Official Documents, relating to the Philadelphia Penitentiary*, he finds that from the year of its being opened to 1842, there had been re-

ceived 1622 convicts, and that the deaths were 137, equal to 1 in 12, or 8 per cent. Of this more hereafter.

As respects the cases of insanity, M. Bonnet asserts that neither in America nor in France are mad persons condemned to prison; and that what has been said of those prisoners, who have become insane after their confinement, having previously exhibited unequivocal symptoms of insanity, is not proved. He makes sundry comments, going to show the alleged frequency of this disease in the Eastern Penitentiary. In a preceding page, (11,) he has given a tabular statement of 106 cases in five years; the number of prisoners varying from 386 to 434.

In 1840, the New Jersey Penitentiary, in which the same practice [cellular confinement] prevails, counted 12 cases of insanity in 132 prisoners.

At Rhode Island, the bad effects increased to such an extent, under the influence of the Pennsylvania system, that it was at last abolished. There were ten cases of insanity in 37 convicts.

At Lausanne, where, from 1834 to 1842, there were 105 prisoners, of whom 85 were men, and 18 women, submitted to the cellular system, mitigated by labor, the deaths were nine, and the cases of insanity ten.

References, of a similar tenor, but wanting in minuteness of specification, are made to the English prisons of Millbank and Pentonville.

The author next speaks of the melancholy consequences of confinement in the prison of Mont-St. Michael, for offences of a political character; and especially of the suicides and cases of insanity among the prisoners, during a period of four years. He admits, however, that there are cruelties practised on the inmates of that prison not belonging to the separate system, which must modify if not render valueless any inferences he may desire to draw from such a quarter.

M. Bonnet enters into details, exhibiting the great mortality in the prison—the central house of correction—in the street La Roquette, in Paris, conducted on the separate system; but, with the favorable additions, of the inmates being visited by their relatives, enjoying the benefits of moral and elementary instruction, daily walks of half an hour's duration, and the hopes of obtaining their freedom if they behave well. The prisoners, it must be borne in mind, are children.

The mortality at the Roquette prison was, in 1840, 8.79 per

cent.; in 1841, 10.64, and in 1842, 8.34. Before the introduction of the separate system, and during successive periods, in which the old system, the congregate, and the silent systems prevailed, the deaths were, respectively, 1 in 178 prisoners; 1 in 34, and 1 in 19. Since the adoption of the Pennsylvania system, the deaths are 1 in 11 to 1 in 10.

Still darker is the picture drawn of the results of the separate system in the prison of Clairvaux. In a period of fourteen months, dating from the time when the prison was opened, 26 prisoners were sent there, of whom 16 died. The greater number of these prisoners, says the *Journal de la Meuse*, were full of health and youth and life. "Some of them were twenty; others eighteen years of age: some had herculean frames and chests like centaurs."

M. Bonnet proceeds to speak of the penitentiaries of Senlis, Tours, Vannes and Bordeaux, which, as being intended to receive only the accused or the condemned, during a year and a day, might be supposed to be exempt from the evils that are recorded of the prisons in other places. The inexorable author asserts, however, that even in the institutions just enumerated, facts have transpired adverse to the separate system.

In the Bordeaux prison, of which M. Bonnet must be supposed to have a better knowledge than of those in other cities, he assures us, that out of 800 to 900 prisoners, in 1843-4, the cases of sickness were 181, or 1 in 4 to 5 of the entire number; those of insanity, 6; of idiotcy, 2; of suicide, or attempts at suicide, 4; of deaths, 4.

The force of this statement is weakened by the acknowledgment of the author, that it only exhibits the statistics of 1843. He was unable to procure authentic returns for 1845 and 1846. He admits, however, that it would appear, from an inspection of the registers, and the averments of those persons officially connected with the institution, that there were no cases of insanity in 1845 and 1846. Still he adduces some details tending to show the inaccuracy of these statements. The cases of disease were 1 in 6. But, as there is an evident and admitted discrepancy in this matter, between the author and M. Lelut, who has ably advocated the separate system, we deem it unnecessary to follow the former of those two gentlemen in his cri-

tical commentaries on the Bordeaux prison. He admits, even after enumerating cases of death, not included nor acknowledged by M. Lelut, that the mortality is not increased under the new or separate system. He desires, however, to contrast this result with the asseveration of M. Lelut, that the mortality had been diminished by two-thirds.

Turning to the other aspect, under which the separate system is to be investigated,—that of its diminishing crime, and preventing relapses in those who have been once imprisoned in the penitentiaries, M. Bonnet cannot see that it has done any good in this way. He gives some figures from the New Jersey institution and the Eastern Penitentiary returns to sustain his objections; but, as these are quite imperfect, we shall not repeat them.

The following remarks of M. Bonnet deserve insertion here, both on account of their intrinsic value and in justice to the author.

My intention is not, I repeat it, to deny the inconveniences and the dangers which ensue from a congregation of prisoners. I am the first to admit them. But I believe that they are exaggerated; that they are made capital of, and perverted from their real bearings; and that they do not furnish adequate motives for receiving the penitentiary system with which we are to be favored. There is one point on which it may not be useless to lay some stress. It is, the mistake which many estimable persons give into, by their attributing, in a great degree, the increase of crimes to the existing regime of our prisons. Unfortunately, indiscriminate intercourse among prisoners is not the only sore which corrupts the social system. There are other powerful causes of demoralization, among which figure, in the front rank, pauperism, want of religious faith, loosening of the bonds of family and of parental authority, an education beyond the position, as regards fortune and rank, which the party is destined to occupy in the world,* subversive doctrines, with which political and social innovators in-

* One of the causes which most contribute to keep and augment the social uneasiness is, undoubtedly, the fault committed by a great many fathers of families, in giving their children an education far above their station in the world, and especially but little corresponding with the fortune which they are able to leave them.

It follows, from the total difference in manners, usages, and tastes thus created, between children and parents, that the first find themselves out of place in company with the latter, regret not having been born in a better rank, imbibe a hatred for the parental roof, and end by withdrawing themselves from it, if, indeed, they do not something still worse.

One of the results of this ill-timed education is, that the young men who might have become quiet farmers or intelligent and industrious mechanics, not being successful in creating a position which would allow of their gratifying their wants, their wishes and their more or less disorderly propensities, take to criminal courses, or blindly throw themselves into some Utopia—and associations which hold out to them a brilliant future. Communism fourierism, phalansterism, &c., have no other origin.

doctrinate inexperienced and credulous youth; those still more fatal ones which many writers of the present day take pleasure in putting forth; the numerous dramatic productions, in which adultery, incest, rape, murder and assassination are, if not justified, at least so far divested of their odious and revolting traits as to be finally thought excusable, or to seem only natural; those novels, in fine, which, owing to certain blanks in our legislation, receive the title of moral tales; and which, while divulging to all classes, the enormities that are committed in our exhausted and corrupted civilization, initiate them into the mysteries of infamy and iniquity of which they ought ever to have remained ignorant; and thus are generated, in more than one brain, the idea and the project of a crime which otherwise would never have occurred to it.

The author takes some pains to show, in opposition to the averment of others, that the French system is essentially the same as the Pennsylvania system, although it professes to be an amelioration of this latter, which is declared to be too severe. The addition of a walk for an hour every day, in one of the courts of the penitentiary, allowed to the French prisoners, is not an equivalent, M. Bonnet thinks, for the double cell and the yard in which the inmates of the Cherry-Hill prison can walk at all times of the day. The latter have, also, the advantage of a greater variety of trades.

It will be news to our Quaker friends to be informed, as they are by the author, that they govern affairs in Philadelphia, and that under the mask of primitive simplicity, they are intent on nothing less than reviving whatever the fanaticism of a former age had devised in the way of cruelty and barbarity. There, good friends, is a fine return for your endeavours to mitigate the harshness of the penal code, and to substitute mildness for force in its punishments.

M. Bonnet claims for the Catholic church the merit of the invention of the penitentiary system. He quotes Monseigneur Charles Louis Morichini, who tells us that "it has its chief foundation in religion, which, associating silence with labor and nocturnal separation, will bring about a true reform of the guilty." "We ought to regard as anti-catholic," says Monseigneur, "the Pennsylvania system of continual separation, which is attended with many weighty difficulties on the score of labor, health and morals."

Reference is made to the Penitentiary Congress which met at Frankfort on the Main, on the 28th, 29th and 30th of September, 1846, and which made a declaration, with almost

unanimity, in favor of the separate system. This fact, M. Bonnet thinks, is not so conclusive as might at first appear, since the congress consisted almost entirely of the advocates of this system; and, besides, the greater number of European penitentiaries were of too recent construction to be cited as examples.

The following summary of the resolutions of that assembly, as given in Dr. Varrentrapp's journal, is worthy of insertion in this place:

After numerous meetings, in which all the questions growing out of the projected reform had been subjected to searching discussions, the congress agreed to the following resolutions:

1. Prisoners waiting their trial should be subjected to solitary confinement, in such a manner as that they shall not hold any communication with each other, nor with other inmates of the prison: the judge of the court may, however, if he thinks it desirable, allow of a certain amount of intercourse for those who make a request to this effect:

2. Cellular [separate] confinement will be the general rule in the case of all convicts; but will be more or less rigorous, according to the nature of the crime and punishment inflicted, and the individual constitutions and the existing deportment of the prisoners: all should be engaged in useful labor, take exercise daily in the open air, receive religious and scholastic instruction, and participate in the observances of their particular religious creed, be visited by clergymen, the superintendent and the physician of the prison, and by members of committees of supervision, without interruption to other visits which may be granted. This resolution is more particularly applicable to those who are sentenced for a short period.

3. The cellular system is equally applicable to imprisonment for a long period; but it should undergo, still more than in the case of the preceding category, all the mitigations compatible with the general principle of separation.

4. When the state of a prisoner, physically or morally, requires it, the directors, or administrative body (doubtless under the advice of the physician) will have the power of placing him under a regimen more appropriate to his condition, and, especially, to grant him regular intercourse with other persons, but never with the convicts.

5. The substitution of solitary confinement in the place of congregated imprisonment, ought to lead to a decided reduction of the period of imprisonment, such as is established by the laws now in force.

Some pages are taken up, in the work before us, with an investigation of the question of the increase of crime. The author tells us, that such increase is continually going on in America and in England. He leans to the belief, based on that of Judge Molenes, and of the Marquis de La Rochefoucauld-Liancourt, that crimes are diminishing in France.

After having exhibited what he believes to be the evils of the Pennsylvania system of prison discipline, M. Bonnet, quite consistently, sets about suggesting a substitute, which will be differ-

ent both from that which he so much reprehends, and from the silent system ; for the latter of which, if he were compelled to make an option, he indicates his preference. His views of penal legislation are briefly summed up in the following propositions :

1. The punishment of death in all those cases laid down in the existing code.

2. Transportation of all those condemned to forced labor, [the galleys, &c.]

3. Cellular imprisonment during the night, and labor of the congregated prisoners during the day, for all crimes and misdemeanors not included in the two preceding categories.

M. Bonnet gives some particulars of the transportation system of England, in illustration of the propriety of the adoption of a similar one by France. A somewhat more extended knowledge of the subject would, however, we are sure, modify very materially the author's views, and convince him that the government and people of England are any thing but satisfied with their penal colonies.

The volume before us terminates with two articles from the pen of M. Bonnet, being replies to M. M. Arnozan and Sarra-
mea ; the first, chief physician, the second, assistant physician of the Bordeaux penitentiary. They show that the statements of the author, respecting the statistics of death, diseases and insanity, in that institution, have been invalidated by those whom we may suppose to be most competent to speak on the subject.

Conformably with our declaration of fair play, we have given place to allow M. Bonnet to blow his trumpet loud and long ; but the walls of the Cherry-Hill Penitentiary, unlike those of Jericho, will not fall in consequence. His blasts will not reach the inhabitants of the cells. They may, however, move to greater vigilance the watchers and warders ;—not the vigilance which would obstinately prompt to restraint beyond what is needed, but that which would suggest all needful ameliorations.

When we come to notice the work of M. Lelut, and some other documents of French origin, on prison discipline, we shall, most probably, have occasion to repeat a different strain from that indulged in by M. Bonnet. In this way truth will be

reached, and the elements procured for a permanent combination, which, while it satisfies our reason, will not conflict with any of our finer sentiments and feelings.

In one important particular we cannot forbear from pointing out M. Bonnet's error. It will serve to induce a caution in receiving his other statements. He alleges, in page 135 of the present number of this Journal, that the deaths in the Eastern Penitentiary, for a period of thirteen years, were 1 in 12, or 8 per cent. The official return, made by Dr. Given, page 51, of Seventeenth Report of the Inspectors of the Eastern Penitentiary, shows that, during this period, the actual proportion of deaths was 3.83, not quite 4 per cent., and not one-half of the mortality put down by M. Bonnet.

NOTICES.

No. 1.—*Juvenile Depravity and Intemperance.*

The question has been gravely asked: What is the cause of the fearful amount of crime among us? From an advertisement which appeared in ten of the London journals, that intemperance was thought by some to be either directly or indirectly, the source of the greater part of juvenile depravity and crime, a prize of £100 was offered for the best essay on the subject. Fifty-two competitors sent in essays, and the prize was awarded to the Rev. Henry Worsley, rector of Easton, Suffolk.* A short examination of these, the most recent works on the subject, is called for.

We do not wish to impugn the judgment of the adjudicators in awarding the prize to the Rev. H. Worsley. They were bound down by certain conditions stated in the prospectus, and the work to which they awarded the prize best fulfilled those conditions. In no other sense than this, they say, do they hold themselves responsible for the opinions advanced in the successful essay. Had the liberal donor of the prize not bound the writers to a peculiar line of argument, it is most probable that one of the other competitors would have obtained the prize. If we were asked which of the essays which have been published was calculated to effect the most good, we should unhesitatingly say, that by Mr. Beggs.† He writes with all the confidence which a practical knowledge of the subject has given him, and it is impossible to peruse the pages of his work without obtaining a fearful insight into the extent of the moral depravity of the lower orders of society. While thus giving a decided preference to Mr. Beggs' essay, we would wish it clearly to be understood, that we are not desirous of underrating the value of the labors of the Rev. Mr. Worsley. Both authors have culled from the pages of the same official papers; and the information which is diffused over many parliamentary blue books, has been condensed and brought to light by the labors of the essayists, originated under the impulse of the liberality and enthusiasm of Joseph Eaton, Esq., of Bristol, the gene-

* *Juvenile Depravity; £100 Prize Essay*, by the Rev. Henry Worsley, M. A.

† *An Inquiry into the Extent and Causes of Juvenile Depravity*, by Thomas Beggs.

rous donor of a prize of £100. In the paths of vice, in which the reverend author fears to tread, there Mr. Beggs boldly steps forward, and denounces, while he exposes, those gigantic and appalling evils which, however painful, must be brought to light before they can be effectually grappled with. The fearful extent, and the disgusting variety of vice is but little known to the world in general; and when it is portrayed with all the vigor and sincerity of truth, its hideousness is startling, and the unthinking man is apt either to look upon it as figurative, or, if he admits the outlines of the picture to be true, to believe that the colouring is added by the imagination of the writer.

We have abundant evidence in almost every page of Mr. Worsley's essay that he kept steadily in view the object of the donor of the prize; viz., that intemperance is the cause of nearly every crime. It is spoken of as the "worm in the bud," which prevents the extension of education. "Intemperance originates almost every vice." "The spirit of intemperance diffuses itself through almost every wicked practice." "It is frequently the remote cause, if not the palpable beginning, of depravity." The opinion of five of the judges is given; viz., Judges Wightman, Erskine, Alderson, Coleridge, and Paterson, that crime is mainly to be attributed to intemperance. Judge Erskine says that, "at the Salisbury assizes, in 1844, 99 cases out of 100 were through strong drink." "Juvenile crime," we are told, "must be mainly attributed either to parental neglect, or parental example." "Misconduct of parents arises from intemperance." "Intemperance is emphatically the curse of the present times, and of our land." "Other vices never seem to have reached their fearful climax until they have associated themselves with the habits of intoxication." "Idleness is caused almost invariably by intoxication." "Intemperance, the root and source of far more than half the misery, disease, pauperism, ignorance, depravity, and crime." "The primary cause of typhus fever is said to be intemperance." "Two-thirds of the diseases among our countrymen are referable to the noxious influence of ardent spirits." "In whatever districts or towns drunkenness abounds, there crime is found to have fixed its stronghold, and intrenched its position with an incredible strength, that seems to mock all the efforts of moral improvement." In most of the above quotations, we recommend our readers to substitute* for the words *drunkenness*, *intemperance*, and *intoxication*, BAD SANITARY CONDITION of the abodes of our laboring population. The Sixth Report of the Inspectors of Prisons, 1841, gives the statements of 91 juvenile delinquents, from which we learn, that so far from drunkenness being the cause of their ruin, we find that 52 out of the 91 say that it was occasioned by the cheap theatres, shows, and penny hops; "only a few of the 91 ascribe their ruin to intemperance." But, without adducing any proof, our author says that "drunkenness on the parents' part, in the majority of cases, exposed the child, or forced him into the way of temptation, by which he was destroyed." Mr. Worsley complains (and we fully agree with the justice of his complaint) that "the inquiries of most persons into the causes of juvenile crime are very generally too superficial." It is thus, he says, that want of employment, "that the absence of the bare necessities of life, are the causes of precocious vice." "For instance, Lord Ashley affirmed in the House of Commons, that there were 30,000 naked, filthy, roaming, lawless children, who formed the seed-plot of nineteen-twentieths of the crime which desolates the metropolis." Mr. Worsley says this statement is true; but in the majority of instances, he adds, it is the necessary product of the intemperance of parents. It is from the intoxicating habits of the people that Christian missionaries fail in accomplishing much good. For the same reason, ragged schools have failed; "there are only 4000 children," Mr. Worsley says, "in all the ragged schools in the metropolis." We are glad to learn, from a more recent Report, that the number of children now attend-

* [Say add to, but not "substitute for."]

ing ragged schools in the metropolis is about 9000; there are also twenty industrial workshops, in which boys are prepared for colonial life.

Mr. Beggs, although he never altogether loses sight of the evil consequences arising from habits of drunkenness, does not dwell upon them so much as his successful competitor. The following remarks perfectly accord with our own opinion; and they will, perhaps, explain the reason why Mr. Beggs did not obtain the prize. "Most men have their favorite remedies for our social evils, and each, perhaps, has looked at the moral condition from one point of view. Some accident may have determined the preference. The temperance reformer, for instance, has given close attention to the drinking system in all its forms. He sees that it is associated with domestic misery, loss of character, degradation, and hard-heartedness, and intently gazing over this extended field of mischief, he supposes that he has discovered the real cause of our social ills. From that time he looks with a partial eye upon all evidence that supports his own view, and rejects, on slight or imperfect examination, whatever seems to oppose it."

Mr. Beggs very properly denounces the exaggerated statements which had been put forth by some of the writers on teetotalism, that 60,000 drunkards die annually in the United Kingdom. "A rough estimate of possible deaths by intemperance would be as follows:—

| | | |
|---|-----------|--------|
| 1. Excess of deaths in England and Wales above healthy standard of two per cent. | - - - - - | 30,000 |
| 2. Say that two-thirds of these occur in adults, | - - - - - | 20,000 |
| 3. Say that half of these are males, | - - - - - | 10,000 |
| 4. Say that for females, making one-quarter of the number of males, | - - - - - | 2,500 |
| 5. Say that one-half of these are due to diseases unconnected with habits of intemperance, and half for intemperance, | - - - - - | 6,250 |

Six thousand deaths from drunkenness in England and Wales, and about 10,000 in the United Kingdom, would be a very high estimate, for which there is no warrant whatever: 60,000 is simply absurd."

Both of our authors strongly condemn the drinking usages of society. "Banish," says Mr. Beggs, "from your tables, the social glass, which has made more havoc among the sons of men than ever was achieved by the stroke of pestilence, or the sword of war. He would alike interdict the introduction of the light continental wines and strong drink at a marriage, as at a birth, and we presume on all occasions; indeed, he writes with the same enthusiasm upon this point as the Rev. Mr. Worsley, who would have all intoxicating beverages "ejected" from the country. "The notions of a past period, which associated the use of intoxicating beverages with hilarity and sociability, continue to corrupt the morals of the present age. The custom of offering wine or spirits to visitors, still frequent among a large class of tradesmen and mechanics, particularly in Scotland, the toast-drinking at public dinners, and on festive occasions, are all the vestiges of an illiterate period, and tend to perpetuate the vice of drunkenness with all its host of miseries." We shall certainly be glad to see the absurd practice of toast-drinking at public dinners abolished. Toasts appear to be made an excuse for drinking. They are even carried to the ridiculous length of drinking a glass of wine "in solemn silence" to the memory of departed greatness. There can be no question that the example which is set by the upper classes must have considerable influence upon those in a more subordinate rank of life. And if the present system of drinking still continues unabated among the intelligent and wealthy of our land, we must not feel surprised at the want of success which attends the labors of the advocates of the temperance movement. As education, morality, and sobriety become more and more diffused among the upper and middle ranks of life, so may we expect to find the beneficial effects of those virtues in the conduct of the more humble classes. That a great improvement has, within the last few years, taken place among the upper and middle classes is manifested by

altered tone of society in general, by the substitution of more rational amusements for the degrading, cruel, and disgusting pastimes of a bygone generation. There is still room for improvement. The best mode of suppressing drunkenness among the people is a problem still to be solved. We do not feel disposed to agree with Mr. Worsley in recommending the duties to be increased on spirits, for, from our own experience, we feel persuaded that the increased price of such articles will not prevent the depraved man from indulging in their use. If his wages will not enable him to procure them, he will devise other means to obtain the usual allowance of his favorite beverage.

To raise the lower classes from their present degraded position must be a work of time: it cannot be accomplished at once. We say, with others, "Let us begin at the beginning." To hope to improve the morality of the masses by preaching to them temperance, godliness, brotherly love, and all the other Christian graces, without first improving their physical condition, will be labor in vain. "Our preaching and praying will be indeed as sounding brass and as a tinkling cymbal." A faithful and devoted minister of Christ, and one of the pioneers in the sacred cause of sanitary reform, the Rev. Mr. Girdlestone, feels fully the hopelessness of the task of sowing the seeds of Christianity in those families who are living in close, dark, dirty, noisome, pestilential tenements, clothed in rags, and faint for want of food; and he asks, "Can modesty bloom where common decency is impracticable?" Certainly not. We might as well expect to reap abundance by sowing sparingly, or "to gather grapes of thorns, or figs of thistles."

The working classes are rapidly becoming alive to the vast influence of external agencies upon their moral condition. Intemperance and depravity form important phases in that condition; and it is most pleasing to see them duly estimating the intimate and inseparable connection which exists between the physical and the moral man.

John Allan Quenton, a journeyman printer of Ipswich, to whom the prize of £25 was awarded, for the best essay "On the temporal advantages of the Sabbath to the laboring classes," says: "Recent investigations have brought to light a revolting picture of squalor, impurity, and wretchedness, herding together in the crowded avenues and courts of our great towns and cities. Philanthropy has pleaded earnestly and long for the removal of these nests of social abomination; and the public, catching at length the same humane inspiration, are sternly demanding that *sweeping sanitary measures should be adopted to get rid of these receptacles of corruption and nurseries of crime*. Now, to the outcasts self-banished to these regions, the Sabbath never comes. In vain its morning eye peeps kindly in at the patched and gloomy windows, for it meeteth no recognition there! In vain its meridian beams, struggling through the murkiness and filth, above, around, beneath, seek to shine into the doorways of those den-like homes—for they are quickly quenched by the deep darkness which abideth there! There the Sabbath's decencies are never cultivated—the Sabbath's peace is never enjoyed—the Sabbath's festival is never kept—the Sabbath's blessing is never known."

In taking our leave of the works which have served as the text of our remarks, we would earnestly recommend them to the attentive perusal of our readers, and express our cordial thanks to the liberal philanthropist who was the means of bringing them before the public.—*Journal of Public Health*.

No. 2.—*Coffee-houses for Working Men.*

It is a mistake too often made to suppose that the first steps in improvement in the social or moral condition of the community must necessarily be

taken by the legislature. Its powerful aid is often valuable, sometimes indispensable; but, in many cases, it is, in the ordering of Providence, left for a few, perhaps for a single individual, to lead the van, and lift the banner of some good cause; and, like Howard, be left to face its dangers single-handed; albeit its object be not the destruction of men, but their comfort. And, although the leader in such a cause advances not with *éclat*, and triumphs not with clashing arms, yet his conquests are not less valuable, his successes tend not to the impoverishment but to the benefit of his countrymen, and

"His yesterdays look backward with a smile,
Nor, like the Parthian, wound him as they fly."

To leave the supply of any general demand to the ordinary enterprising spirit of trade is a good principle, as a general rule; but this demand must be first produced by the concurrent taste of many, before it can become a source of profit, and give rise to a branch of business.

Among the many ways in which the thinking few may benefit the thoughtless, often helpless, many, to which the above remarks apply, not the least is the promotion of establishments for supplying them with warm and wholesome food when at a distance from home, either at daily work or while travelling.

This part of the short and simple annals of the poor is doubtless felt to be unworthy of the notice of such *fruges consumere nati* as are not obliged by their necessities to come out until the day is pretty well advanced, and cannot sympathize with the poor laborer, who has to dress in the dark, in clothes wet from the night before, and go out to pursue his business, or to look for it again, it may be, in the rain.

The expenditure of the working man, especially for food, should, certainly, as much as possible, have reference to his family and his home; and happy is the man, whatever be his labor, who can have his meals cooked and eaten at home; but many a working man, in towns, cannot meet his family except in the evening, whose early hour of departure from home, and also, perhaps, constitutional weakness, call for nourishing and warming food, at times and places where it is not now to be had on terms that he can afford.

Men and women, whose business requires them to be out before day at their occupations, are thus driven to resort to spirits and tobacco, which are injurious at any time, but doubly so at the early hours of the morning, when a warm, bracing drink would prove a more real cordial, fortify the frame against the chill of the atmosphere, promote a genial glow of vital heat, and, in a word, set the human machine comfortably going for the day.

In some things we have departed for the worse from the customs of our forefathers. With them it seemed a principle, that food should be taken to support the body for the day's wants, rather than to make up for its exhaustion afterwards. This is evinced by their much earlier times than ours for meals, and by the fact that the first business entered upon on rising was the business of breakfasting.

Where employers of many hands are inclined to promote the establishment of early-opening coffee-houses, it is greatly in their power to do so, not merely for their own people, but for the benefit of the district in which they reside. Where such influential persons as employers on a large scale are not resident, it remains for benevolent persons, either singly or by subscription, to originate them, perhaps at a trifling *pecuniary* loss at first, but if superseding dram-shops, at a real gain to the people, and consequently to the community. And as to the increase of such when once established, the following extract from evidence before a Parliamentary Committee on Imports will show some interesting facts. It is taken from an article in the "Companion to the British Almanack for 1841," page 135.

"Several coffee-shop keepers showed that the establishment of coffee-shops had been the means of creating improved habits amongst large classes of the community.

"Twenty-five years ago, the number of coffee-shops in London, to which respectable artisans could resort, did not amount to twenty, and there were none for the more humble of the laboring classes.

"The number of coffee-shops now is nearly 1800—some giving coffee at 1d. to 3d. a cup—where they serve 700 to 800 persons daily. Mr. Pamphilon, who charges 1½d. per cup, has 1500 to 1600 persons a-day. Some are open from four in the morning until eleven at night. No intoxicating liquors are sold in the majority of the coffee-shops, while in the accommodation they afford, they are far superior to the public-houses. At Mr. Letchford's, in High street, St. Giles's, which is frequented daily by from 700 to 900 hard-working men, a man comes in the morning at four o'clock, and has a cup of coffee and a thin slice of bread and butter for 1½d.; and then again at eight, for his breakfast he has a cup of coffee, a penny roll, and a penny-worth of butter for 3d.; and at dinner-time, instead of going to a public-house at one o'clock, he comes in again, and has his coffee and his bread, and brings his own meat. Daily papers are taken at this house. Within the last few years most of the keepers of coffee-houses have been compelled by the general demand to sell cooked meat.

"Temperance societies and friendly societies are getting into the habit of using coffee-shops for their periodical meetings."

In London, and probably in many other large towns, the wants expressed above, have already been met, more or less; but the writer seeing the state of discomfort of laboring classes in other places, from that want remaining unsupplied, desires to interest others in the subject.—*Journal of Public Health*.

No. 3.—*Effect of the Cessation of Labor in Prisons on the Health of the Inmates.*

In the last number of that very valuable French Journal, devoted to Public Hygiene and Medical Jurisprudence,* we find a communication from Dr. Boileau-Castelneau, chief Physician of the central prison at Nimes, under the above title.

A year has elapsed since the suspension of manufacturing labor in the central prison at Nimes; from the 1st of April, 1848 to the 21st of March, 1849. During this period, the deaths among the convicts were 40, or 1 in 29.8.

During the 21 years preceding, the mean of deaths, annually, was 91.82.

The suspension of labor, decreed by the provisional government has, therefore, saved the lives of 52 individuals, (51.82,) in one year.

Of the above cases of 40 deaths, 36 were owing to diseases contracted during the labors of the convicts, as 4 out of the 40 perished from acute diseases; 3 from acute complicated with chronic diseases, leaving 31 who died from chronic diseases alone.

Of the 548 convicts brought into the prison since the 1st of April, 1848, no one has died. What becomes then of the opinion of those who assert that prisoners owe their death to a change in their organization, which has been deteriorated by their vicious and corrupt mode of life, anterior to their condemnation, and not to the prison regimen?

* Annales d'Hygiene Publique et de Médecine Legale.

The results now announced are not owing to any favourable state of the general health in Nîmes: on the contrary, the deaths among the inhabitants have exceeded the usual average by 159 (159.8.)

The Minister of the Interior has said, in the tribune, "It is impossible for an assembly, constituted as this is, which represents France, to remain indifferent to the state of our prisoners. I am aware that this state is a reflection on former governments; it is also a reflection on society; it calls for reform."

The minister will not have occasion to wait long for these reforms. He will be happy to learn the favorable results brought about by the suspension of labor, which was badly organized, badly chosen, and in no way harmonized with the regime of the prisons.

The minister will create, we have no doubt, moveable workshops for convicts. These workshops will have for their object, the draining of marshes, the cutting down of mountains, the diking of rivers, the levelling of roads and the construction of the tunnels indispensable in many places. The convicts will make country roads, which it is impossible to keep up in the present state of things; also, canals for irrigation, transportation, &c.

Let the product of these labors be compared with the enormous expenses of prisons, and the trial will be quickly made.

In the above suggestions, M. Castelneau sides with Mr. Pearson, of whose plans some notice was taken in our last number, and a fuller analysis will be attempted on a future occasion. Touching the matter of expense, we might ask: who are to superintend the various works proposed by M. Castelneau—who are to be sentinels and guards over the convict workers? In France, with its large army and armed police, the thing might not be so difficult; but in England and the United States, every one can see the obstacles to such a scheme being carried into effect.

No. 4.—*Breaking up of Mettray.*

Late papers contain notices of the expected abandonment of the celebrated reformatory settlement of Mettray near Tours, in France, in consequence of the derangement of the national finances. Without endorsing the political implications of the author, we avail ourselves of the following brief sketch of the institution which we find in a late London paper: "Mettray affords an example of zealous and successful philanthropy, almost without a parallel. About eight years ago M. de Metz, who had travelled and studied much, conceived the idea of attempting to reform the young criminals, that his duties obliged him to condemn to fruitless castigation; and, relinquishing the bench, he devoted himself to the project. He was joined in it by the Marquis de Bretignolles de Courteilles, who made a gift of land. Funds were obtained by general subscription; and they were augmented by subventions from several departments, and from the central government."

The founders of the institution established a special school for teachers, erected a commodious and comfortable pile of buildings, and opened their doors to youthful culprits under sentence of law. The influences exerted in the work of reformation were order, regularity, and, above all, kindness. The youths were taught a plain but useful course of learning, a trade, and agricultural occupations; agreeable pleasure-grounds were the scene of their recreations; nine Sisters of Charity aided the surgeon in attending the infirmary; M. de Metz superintended the whole. The effective reformation of offenders increased in its efficiency as time advanced—latterly, it was estimated by Mr. M. D. Hill at eighty-five per cent.; the cases of expulsion—"the capital punishment" of the institution—were reduced in 1847 to two. Many affecting anecdotes are told of the moral influence which M. de Metz obtained over his subjects, personally and through his assistants, by the incessant appeal to their intelligence and affections. All this was accomplished at a net yearly cost of £12 per head.

"But the State is bankrupt; the subvention must be withdrawn; and the two friends who united in founding the settlement, stopping on the verge of a ruin to themselves, which could not avert the catastrophe, have no alternative but abandonment. Such is one fruit of the Revolution of February 1848—one disastrous result which France incurs through not having an efficient government. Of all the institutions in France, not one so completely satisfied both sentiment and reason, so distinctly marked the progress of the nation in refinement and enlightenment, as the reformatory at Metz: it was maintained by the Monarchy, it is abandoned by the Republic."

No. 5.—*Primary Schools of Paris.*

To those who know Paris well, and have taken more than a tourist's glance at the French capital, it appears wonderful that the cholera has not made greater ravages in those districts where filth meets one at every step. So very unwholesome have the schools for primary instruction become, through an utter want of cleanliness, that, upon loud complaints, a committee was appointed to investigate the real state of the matter. Only part of the report has been received as yet, but it sets forth such a disgusting picture of the places where hundreds of children congregate for several hours every day, that it can hardly be imagined how the community is not more severely stricken by the prevailing epidemic. Disinfecting liquids, the principal ingredient of which is nitrate of lead, have been used to moderate the stenches temporarily, but we confidently predict that these half-measures will be of no avail without the firm establishment of a system of proper draining and ventilation. Though some parts of London are in a very bad state, in this respect, we are bound to say that things are much worse in Paris, and that the ravages of cholera are not likely ever to be so extensive in London as in the French capital.* Dr. Higgins, in a letter to *L'Union Medicale*, maintains that the inhabitants of London suffer less from cholera, owing to their frequent use of blue pill. This may be questioned, for mercury, though much used, is not so universally ingested as is supposed. The greater comparative cleanliness of London may have much influence on the moderate amount of cases we have had.

* Recent returns belie these favorable anticipations.—Ed.

ceedings of the Society, and shall correspond with such persons and societies as may be judged necessary to promote the views and objects of the institution.

ARTICLE IV.—The Treasurer shall keep all moneys and securities belonging to the Society, and shall pay all orders of the Society or Acting Committee, signed by the President or one of the Vice-Presidents, which orders shall be his vouchers for his expenditures. He shall, before he enters upon his office, give a bond of not less than two hundred pounds for the faithful discharge of the duties of it.

ARTICLE V.—The Acting Committee shall consist of the President, two Vice-Presidents, two Secretaries, two Counsellors, Treasurer, and six (now ten) other members, three of whom to go off at the meetings in the months called January and July. They shall visit the prisons at least once a month, inquire into the circumstances of the prisoners, and report such abuses as they shall discover to the proper officers appointed to remedy them. They shall examine the influence of confinement or punishment upon the morals of the prisoners. They may draw upon the Treasurer for such sums of money as may be necessary. They shall keep regular minutes of their proceedings, to be read at every quarterly meeting of the Society. This committee shall have the sole power of electing new members, but no member shall be admitted who has not been proposed at a previous meeting of the Society, nor shall an election for a member take place in less than one month after the time of his being proposed.

ARTICLE VI.—Every member who on his admission shall subscribe the constitution, and pay ten dollars, shall be a member for life, and every member who on his admission shall subscribe the constitution, and annually pay the sum of seven shillings and sixpence, shall be a member while he continues to contribute.*

ARTICLE VII.—Corresponding members may be elected, not resident in the city of Philadelphia, nor within ten miles thereof, who shall not be required to make pecuniary contributions to the funds of the Society, nor sign the constitution.

ARTICLE VIII.—The Society shall meet on the second Second-day, called Monday, in the months called January, April, July, and October, at such place as shall be agreed to by a majority of the Society.

ARTICLE IX.—No law or regulation shall contradict any part of the Constitution of the Society, nor shall any law or alteration of the Constitution be made without it be proposed at a previous meeting. All questions shall be decided, where there is a division, by a majority of votes; in those where the Society is equally divided, the presiding officer shall have a casting vote.

IMPORTANT AND VALUABLE DOCUMENTS.

The Prisoners' Report of the Eastern State Penitentiary.—A few copies of this document, which includes the elaborate tables of the medical officers—showing the sanitary condition of the institution from its commencement.

ALSO,

Numbers 1 and 2 of volume I. of this Journal—the first containing a Review of the History of Penal Legislation in Pennsylvania, and several plates, illustrative of prison architecture; and the second containing a beautiful steel portrait of Mrs. Elizabeth Fry, and a view of the New Prison at Fentisville, near London, and an account of its discipline and results.

Copies of the above may be had on application to any member of the Acting Committee.

* [Article VI. has been altered so as to make it require twenty dollars for a life contribution, and two dollars for an annual contribution.]

OFFICERS FOR 1848.

PRESIDENT—James J. Barclay.

VICE-PRESIDENTS—Townsend Sharpless, Charles B. Trego.

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☞ QUARTERLY MEETING of the Society on the ninth day of October, inst.

NOTICE.

☞ Communications and orders for this work, may be addressed "Editors of the *Journal of Prison Discipline*," care of the publishers, No. 8, South Fifth Street, Philadelphia.

☞ Officers of State, Inspectors, or Wardens of Penitentiaries, Keepers of Common Gaols, Houses of Correction, &c., Superintendents or Physicians of Insane Asylums, (whether public or private, and whether for paupers or pay-patients,) officers of Houses of Refuge, Police Magistrates, and others who may be in possession of, or have access to reports or other documents bearing on prison discipline, insubordination, juvenile delinquency, police regulations, pauperism, &c., &c., will confer a particular favor by forwarding to the above office copies of such publications for use as noticed in this Journal. All such attentions will be gratefully acknowledged, and cheerfully reciprocated.

CONVICT SEPARATION.

An Inquiry into the alleged Tendency of the Separation of Convicts, one from the other, to produce Inhuman and Degrading.—By a citizen of Pennsylvania.—G. O. & J. BROWN, 1849.

"So far as the leading controversy, in regard to the rival systems of prison discipline is concerned, it seems to us to cover the entire ground with singular ability."—*Prisoners Review*, July, 1849, p. 232.

A few copies of the above work remain on hand.—Apply to the Publishers.

"JOURNAL OF PRISON DISCIPLINE AND PHILANTHROPY,"

Published by the "Philadelphia Society for alleviating the Miseries of Public Prisons."

DESIGN AND PLAN OF THE WORK.

The members of this venerable Institution, which has been mainly instrumental, in introducing the great reform in Prison Discipline that has distinguished the last half century, have long felt the need of such a medium of communication with the public as is now proposed. Their attention has of late been more especially aroused to the importance of the measure, from the deep interest which has been awakened in such reform; and from the misapprehension which prevails, as to the true principles and results of what is termed the "Pennsylvania," or "Separate System."

Of the intrinsic usefulness of a Journal of this nature, it is believed but one opinion can prevail among the intelligent and humane. One of the most active and well informed of those engaged in the reform of Prisons, has justly remarked, that "Judgment is but the result of comparison." All reasonable men, before deciding on a measure, will acknowledge the importance of becoming acquainted with the history and results of similar efforts. Hence the necessity felt by all civilized nations, of publishing and preserving public documents, reports, discussions, criticisms, &c. In America there is no adequate provision for the preservation of these, so far as they relate to prison reform; they are scattered among an accumulation of pamphlets on other subjects, are frequently destroyed, and are always difficult of access; and the labors which ought to furnish instruction for our future progress, and for posterity, become too often merely temporary in its utility.

At the present time a greatly enhanced importance is attached to a publication of this kind, as a medium of communication with foreign countries. Several of the governments of Europe are endeavoring to ascertain the best system of Prison Discipline, with a view to its adoption; and although the Society have no doubt which of the methods now in existence is the best, some Philanthropists of the Old World are yet undecided.

It is from a knowledge of these facts and from a belief that it is due to themselves and the cause of humanity, that the Society have been induced to undertake this publication.

TERMS.

This periodical is published quarterly; each number is contain at least 80 pages octavo. It will be delivered without charge to members of the Society; but to those who are not members, the price is \$1 per annum, always in advance, or 25 cents a number.

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